



1787

The Great American Reset

Policy Guide

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(Updated April 2024)

AUTHOR'S NOTE:

When I initially started to work on the concept of 1787, I had this Pollyanna dream that we could all sit around a table – or in a beautiful rolling field, dressed in groovy dresses and daisy chains in our hair – and thoughtfully come up with solutions for our national challenges.

Looking back – and knowing what I know now – I'm pretty sure I was just trying to dodge the grind that is unavoidable when trying to make something like this work. I still hope my original dream will be the way 1787 ultimately works, but I also understand that someone had to provide, at a minimum, a place to begin the conversation...or we would all just be sitting around staring at an empty white board in a field somewhere. :)

Because 1787 is brand new and so-called third parties are viewed by many with a healthy (and understandable) skepticism, I also knew that simply filing paperwork and announcing that we plan to change the world wasn't going to cut it. There is no way anyone could be expected to take this effort seriously unless I clearly laid out what my vision for 1787 is all about.

That said, this is the only time I will weigh in on policy in this manner. In Part One of this book series, I explained that 1787 members are in complete control of its direction, kind of like a democracy within the U.S. democracy where every outcome is a majority rule of the members. Because this is the very beginning of 1787, everything within these three books is exclusively my take on things. But beginning with our first convention, my vote on policy issues will be counted just like every other member's. Hopefully, I will continue to be the Chairman of the organization, but that too is up to the 1787 members.

The only two things that cannot be changed by any means, as set forth in the Bylaws, is 1) 1787 and its members must always remain faithful to 1787's original Honor Code and 2) 1787's position on Civil & Human Rights (you can read more about these in Part One).

This all leads to one of my biggest concerns. Since I've covered such a wide variety of topics in these books, my fear is that it will seem like I think I know everything about everything. I assure you that is not the case. In no way do I pretend to be an expert on any of these topics. My

recommendations are only intended to provide a starting point for the difficult conversations that we so badly need to have in this country. Nothing more, nothing less.

The goal is to gather as many good ideas as possible, then create solutions that allow for a certain amount of flexibility so we can appropriately respond to changes in the national condition or when we all, together, discover a better way – a perpetual work in progress. Hopefully, seeing all these topics together in one place will make it easier for every American to work hard to prove these initial ideas wrong, or at least offer recommendations they think may be better. That is the very best way to find the very best solutions!

Please believe, I honestly don't care where the answers come from or what ideology they align with. I just want the very best ones.

You're awesome for taking the time to explore this! I really appreciate it because I deeply believe there is nothing more extraordinary than when empowered people come together for positive change.

Robert Kennedy once said, "Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance."

To build a current powerful enough to achieve the magnitude of transformation this country needs, we must be completely united in our efforts. I hope this provides a place for us to begin.

Emily Mathews
Washington, D.C.

GENERAL ISSUES

ARTIFICIAL INTELLIGENCE

The impact artificial intelligence is going to increasingly have on our future is unprecedented – and there is no escaping it. Certainly, the unknowns of this can be scary. The good news is that, if we commit to a proactive strategy, we can maintain control over how A.I. advances instead of being vulnerable to forces beyond our control.

There are many complicated components to this topic – everything from how best to capitalize on its powerful and innovative tools to how A.I. will affect our workforce to how it will affect our quest for knowledge to the social and ethical implications of the rising technology. For all these reasons, it is critical that we establish ethical frameworks to ensure that A.I. both enhances our global strength and is advantageous for society overall.

The United States needs to be the leading force in A.I. and we are already well on our way. The Massachusetts Institute of Technology (MIT) has dedicated \$1 billion to finding technological breakthroughs as well as assessing their associated ethical implications.

Already, MIT and the U.S. Air Force have joined forces to find ways to use artificial intelligence to help safeguard our national security. The MIT-Air Force A.I. Accelerator, as it is known, hopes to improve Air Force operations within the context of societal responsibility.

There are other super cool ways A.I. is helping society. For example, A.I. is being used to anticipate, absorb, and repair the challenges of extreme weather events such as hurricanes, flooding, drought, and wildfires.

The Grid Resilience & Intelligence Platform (GRIP) program – housed at the SLAC National Accelerator Laboratory, one of seventeen Department of Energy national labs – is:

- “(1) Demonstrating machine learning and artificial intelligence from different data sources to anticipate grid events;
- (2) Validating controls for distributed energy resources for absorbing grid events; and
- (3) Reducing recovery time by managing distributed energy resources in the case of limited

communications. The project builds on previous efforts to collect massive amounts of data and use it to fine-tune grid operations, including SLAC’s Visualization and Analytics of Distributed Energy Resources (VADER) project as well as other Grid Modernization Lab Consortium projects on distributed controls and cyber security. The innovations in the project include application of artificial intelligence and machine learning for distribution grid resilience. Particularly using predictive analytics, image recognition, increased ‘learning’ and ‘problem solving’ capabilities for anticipation of grid events.”

The accuracy of the technology and the associated algorithms have already improved substantially. A report from the National Institute of Standards and Technology (NIST), a physical science laboratory within the U.S. Department of Commerce, reveals that “massive gains in accuracy have been achieved in the last five years (2013-2018) and these far exceed improvements made in the prior period (2010-2013).”

“While the industry gains are broad – at least 28 developers’ algorithms now outperform the most accurate algorithm from late 2013 – there remains a wide range of capabilities. With good quality portrait photos, the most accurate algorithms will find matching entries, when present, in galleries containing 12 million individuals, with error rates below 0.2 percent. The remaining errors are in large part attributable to long-run aging and injury.”

Sounds good, right?

It does but, on the other hand, there are trickier things to consider. Facial recognition technology, for example, has increasingly become one of law enforcement’s standard investigative tools. After a mass shooting at The Capital Gazette’s newsroom in Annapolis, Maryland, authorities identified the shooter using this technology after he refused to give his name. Law enforcement agencies are also using facial recognition technology to identify the troublemakers who participated in the U.S. Capitol insurrection.

However, there are legitimate concerns surrounding surveillance technologies like facial recognition, including everything from privacy issues to concerns over mass surveillance to abuse of power...concerns that are disturbing enough to lead some cities like San Francisco to ban its use by the police and other law enforcement agencies.

Potential abuse of these technologies is particularly alarming, understandably, for people of color, who fear these technologies and their algorithms are utilized in a racially biased manner.

Georgetown Law's Center on Privacy and Technology warns that "the risks of face surveillance are likely to be borne disproportionately by communities of color. African Americans are simultaneously more likely to be enrolled in face recognition databases and the targets of police surveillance use. Compounding this, studies continue to show that face recognition performs differently depending on the age, gender, and race of the person being searched. This creates the risk that African Americans will disproportionately bear the harms of face recognition mis-identification."

Because of this, we must make certain local, state, and federal government regulations catch up with technology. For example, the New York City Council has approved the *Public Oversight of Surveillance Technology Act*, which greatly increased transparency and legislative accountability over these technologies. Cambridge, Nashville and Seattle already have similar laws that give citizens more control over these issues.

At the very least, the federal government can help streamline inconsistent laws around the country and ensure that facial recognition used to solve crimes is used after the fact as opposed to as real-time surveillance.

This effort has already started. The National Security Commission on Artificial Intelligence – an independent commission established by Congress in 2018 to make recommendations to the President and Congress to "advance the development of artificial intelligence, machine learning, and associated technologies to comprehensively address the national security and defense needs of the United States" – released their final report. The report "presents an integrated national strategy to reorganize the government, reorient the nation, and rally our closest allies

and partners to defend and compete in the coming era of AI-accelerated competition and conflict.” (read more about this on the 1787 website)

Even Microsoft is calling for the government regulation of their own A.I. technology to guard against abuse. I agree with Brad Smith, the president of Microsoft:

“The only effective way to manage the use of technology by a government is for the government proactively to manage this use itself. And if there are concerns about how a technology will be deployed more broadly across society, the only way to regulate this broad use is for the government to do so. This in fact is what we believe is needed today – a government initiative to regulate the proper use of facial recognition technology, informed first by a bipartisan and expert commission.

While we appreciate that some people today are calling for tech companies to make these decisions – and we recognize a clear need for our own exercise of responsibility – we believe this is an inadequate substitute for decision making by the public and its representatives in a democratic republic. We live in a nation of laws, and the government needs to play an important role in regulating facial recognition technology. As a general principle, it seems more sensible to ask an elected government to regulate companies than to ask unelected companies to regulate such a government.”

Certainly, government oversight is an important piece of the puzzle, but technology companies should also be held responsible for establishing ethical frameworks. This is important at a time when around 30 percent of large companies in the United States have A.I. projects in the works and, according to MIT, there are over 2,000 A.I. startups.

Here are just some of the questions that Microsoft President Brad Smith thinks need to be answered:

† Should law enforcement use of facial recognition be subject to human oversight and controls, including restrictions on the use of unaided

facial recognition technology as evidence of an individual's guilt or innocence of a crime?

- † Similarly, should we ensure there is civilian oversight and accountability for the use of facial recognition as part of governmental national security technology practices?
- † What types of legal measures can prevent use of facial recognition for racial profiling and other violations of rights while still permitting the beneficial uses of the technology?
- † Should use of facial recognition by public authorities or others be subject to minimum performance levels on accuracy?
- † Should the law require that retailers post visible notice of their use of facial recognition technology in public spaces?
- † Should the law require that companies obtain prior consent before collecting individuals' images for facial recognition? If so, in what situations and places should this apply? And what is the appropriate way to ask for and obtain such consent?
- † Should we ensure that individuals have the right to know what photos have been collected and stored that have been identified with their names and faces?
- † Should we create processes that afford legal rights to individuals who believe they have been misidentified by a facial recognition system?

CONSUMER PROTECTION

For the entirety of the Trump administration the Consumer Financial Protection Bureau (CFPB) was under attack. Donald Trump's FY2019 budget drastically cut the agency's budget and tried to greatly undercut its enforcement power.

1787 believes that the CFPB appropriately protects consumers, and that the agency should remain an independent watchdog with a certain amount of autonomy from both the White House and Congress, to provide "a single point of accountability for enforcing federal consumer financial laws and protecting consumers in the financial marketplace."

However, we also believe that the CFPB should not be independent of congressional appropriations. When the CFPB was created in 2010, it was given the power to fund itself and set its own budget – a number that can legally reach up to 12 percent of the Federal Reserve's yearly operating expenses.

Unfortunately, this arrangement violates the Appropriations Clause set forth in Article 1, Section 9, Clause 7 of the U.S. Constitution ("no money shall be drawn from the Treasury, but in consequence of appropriations made by law") as well as the Non-Delegation Doctrine, a principle of constitutional and administration law ("Congress is not permitted to abdicate or to transfer to others the essential legislative functions with which it is thus vested").

WHY IS THE CFPB IMPORTANT?

As imagined, the CFPB's goal is to:

"Make consumer financial markets work for consumers, responsible providers, and the economy as a whole. They protect consumers from unfair, deceptive, or abusive practices and take action against companies that break the law. They arm people with the information, steps, and tools that they need to make smart financial decisions.

In a market that works, the prices, risks, and terms of the deal are clear upfront so that consumers can understand their options and comparison shop. Companies all play by the same consumer protection rules and compete fairly on providing quality and service. Congress has authorized the CFPB to take legal action against companies and people that violate federal consumer financial law. When the Bureau enforces the law, it or a court may order the violator to take action to remedy the harm it caused consumers. This can include requiring the person or company to compensate its victims for this harm.”

This is an agency that, by the end of 2016, had given \$11.8 billion worth of relief to over 29 million consumers from supervisory and enforcement work alone. This included \$3.7 billion in monetary compensation to consumers as a result of enforcement activity; \$7.7 billion in principal reductions, cancelled debts, and other consumer relief as a result of enforcement activity; and \$371 million in consumer relief as a result of supervisory activity. By the end of 2016, CFPB had handled over 1,080,000 complaints and had generated \$589 million in civil penalties.

It sounds like it was going great, right?! So, what possibly could have gone wrong? A guy named Mick Mulvaney. Mick Mulvaney was the acting Director of the Consumer Financial Protection Bureau (CFPB) from November 2017 to December 2018. In January 2019, he became Donald Trump’s Acting Chief of Staff and, before all of this, he was a U.S. House Representative from South Carolina.

During his time as a congressman, the Finance, Insurance & Real Estate sector gave him \$1,326,629...and boy did that pay off!! Those guys got a HUGE return on their investment!

Here are just some of the shenanigans Mick pulled during his time at the CFPB:

† In 2013, *ProPublica* – an independent, non-profit newsroom that produces investigative journalism in the public interest – published a report that included World Finance, a billion-dollar company that

hawked installment loans. It said, in part: “World and its competitors push customers to renew their loans over and over again, transforming what the industry touts as a safe, responsible way to pay down debt into a kind of credit card with sky-high annual rates, sometimes more than 200 percent. And when state laws force the companies to charge lower rates, they often sell borrowers unnecessary insurance products that rarely provide any benefit to the consumer but can effectively double the loan's annual percentage rate.” The next year, World Finance disclosed that it was under investigation by the CFPB.

Enter Mick Mulvaney, who announced the CFPB was going to “reconsider” the Obama-era rule on payday loans. The CFPB not only dropped the investigation into World Finance, but also an investigation into a group of payday lenders that at times charged interest rates over 900 percent.

† The CFPB office in charge of overseeing fair-lending cases, the Office of Fair Lending and Equal Opportunity, was essentially stripped of its enforcement powers by the Trump administration – despite the fact that this office had seen great success.

These successes include a 2015 settlement against New Jersey-based Hudson City Savings Bank. The CFPB and the Department of Justice (DOJ) cited the bank for discriminatory redlining practices which resulted in denying minorities fair access to mortgage loans. The bank was required to provide \$25 million in loan subsidies.

A year later, the CFPB and DOJ settled with BancorpSouth for discriminatory mortgage lending practices that harmed African Americans and other minorities. The complaint alleged that “BancorpSouth engaged in numerous discriminatory practices, including illegally redlining in Memphis; denying certain African Americans mortgage loans more often than similarly situated non-Hispanic White applicants; charging African-American customers for certain mortgage loans more than non-Hispanic White borrowers with similar loan qualifications; and implementing an explicitly discriminatory loan denial policy.”

Upon court approval, “BancorpSouth will pay \$4 million in direct loan subsidies in minority neighborhoods in Memphis, at least \$800,000 for community programs, advertising, outreach, and credit repair, \$2.78 million to African American consumers who were unlawfully denied or overcharged for loans, and a \$3 million penalty.”

† The CFPB backed off an investigation into credit reporting agency Equifax, which had a massive data breach that exposed the personal information of over 143 million consumers. Oh! And also, three senior Equifax executives together sold \$1.8 million in Equifax stock within four days of discovering the breach.

† Until Mulvaney struck, the CFPB had fielded over 72,000 consumer protection complaints every single year from our service members, veterans and their families, and had returned over \$130 million back to them. To achieve these numbers, the agency routinely examined lenders for potential violations of the *Military Lending Act*. This legislation was enacted in part to protect our heroes from fraud and predatory lending by capping the annual percentage rate charged to service members at 36 percent.

Nevertheless, under Mulvaney, the CFPB announced it would no longer proactively conduct these examinations. This despite the fact that a report by the Department of Defense found that “payday lenders are heavily concentrated around military bases in states where this product is legal” AND “active-duty military personnel are three times more likely than civilians to have taken out a payday loan” AND “predatory lending undermines military readiness, harms the morale of troops and their families, and adds to the cost of fielding an all-volunteer fighting force.”

† Easily winning the most petty and ridiculous category, Mick Mulvaney was determined to change the acronym of the agency to BCFP (meaning the Bureau of Consumer Financial Protection) from CFPB (which means the Consumer Financial Protection Bureau). Literally the same exact words in a different order.

< Sidebar: What is with these people? They seem to think changing the name of something magically makes the whole thing go away. Remember NAFTA? >.

He even changed the sign outside the main office and established a “Name Correction Working Group.” Unfortunately for him, it was discovered that the change could cost the businesses that the CFPB regulates over \$300 million to implement, and the agency itself between \$9 million and \$19 million.

What a guy.

CONSUMER PROTECTION PLAN OF ACTION

Note: The recommendations below focus on financial protections. There are also Consumer Protection issues in Housing, Higher Education, and Internet/Social Media. The recommendations for these can be found in each topic’s individual section.

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

LENDING

- † Rebuild the Consumer Financial Protection Bureau (CFPB). Protect the Office of Fair Lending and Equal Opportunity.
- † Reinstigate strict restrictions on payday lenders. Balance the interests of borrowers and lenders to ensure fair access to beneficial credit.

- † As payday lending gains restrictions, watch the “consumer installment loan” market closely for potential predatory lending.

FINANCIAL INSTITUTIONS

- † Ban fixed fee overdraft programs. Banks should instead charge reasonable interest rates as they do for any small loan.
- † Enforce high standards and accountability for credit rating agencies and NRSROs. Eliminate the conflicts of interest that exist in their models.

DEBT COLLECTION

- † Require that debt-buying companies provide proof that they own a debt before they can sue a debtor.
- † Stop debt collectors from harassing consumers and collecting on “zombie” debts.

CREDIT SCORING

- † Do everything possible to protect unscorable and credit invisible consumers.
- † Demand that credit-scoring mechanisms be fair in order to protect consumers from abusive and harmful lending practices.

ECONOMY PLAN OF ACTION

Read more about the Economy in Part One, Chapter Four.

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

DEMAND SMART, RESPONSIBLE PUBLIC POLICY

- † Create an uncomplicated and fair tax code.
- † Address both inequality of income and inequality of opportunity.
- † Address our health care crisis immediately.
- † Embrace sensible regulation that gives the breathing room necessary for innovation, entrepreneurship, and economic growth.
- † Do not allow destructive history to repeat itself regarding the financial markets.
- † Recognize that authorized immigrants strengthen our academic communities and technological innovation, and greatly enhance America, both culturally and economically.
- † Get serious (and realistic) about our unauthorized immigration situation.
- † Build an intelligent energy portfolio to protect our economic and national security.
- † Implement policies that protect our environment, advance our global prosperity, and help reduce our dependence on foreign oil.
- † Support and encourage corporate responsibility.
- † Ensure the Federal Reserve remains independent.

- † Analyze a variety of programs that expand automatically when the economy is weak (a.k.a. “automatic stabilizers”).

BECOME A FISCALLY RESPONSIBLE NATION. PERIOD. END OF STORY.

- † 1787’s strategy: All policies should be cost neutral for at least three years. No new money – just a re-allocation of existing resources.
- † 1787’s strategy: Shrink our national debt and deficit by ending the massive inefficiency and waste that infects every level of our federal government.
- † Exhibit transparency, leverage assets, and exercise discipline.
- † Stabilize Social Security immediately.
- † Stabilize Medicare immediately.
- † Address the growing pension crisis.
- † Reduce costs, maximize value, and improve the performance of the entire U.S. government.
- † Fully re-engage in the global economy and not only regain but solidify our role as world leaders.

PROTECT & EMPOWER THE WORK FORCE

See *U.S. Works* in Part One, Chapter Four

TAKE FULL ADVANTAGE OF THE WORLD MARKET

- † Pass legislation to limit presidential trade authority putting the power squarely with Congress where it constitutionally belongs.
- † Properly evaluate our trade deficit and develop a smart strategy. Begin by understanding what it actually is (which is not a scorecard).

- † Hold China responsible for distorting markets. Redesign the WTO to better handle complaints about unfair competition.
- † Reiterate our commitment to the WTO. Help modernize it regarding digital trade, intellectual property, and dispute resolutions.
- † Reengage in what was the *Trans-Pacific Partnership* (TPP), now the *Comprehensive and Progressive Trans-Pacific Partnership*.
- † Reengage in – and complete – transparent negotiations for the Transatlantic Trade and Investment Partnership (TTIP).
- † Reiterate our commitment to our North American trading partners and the Central American Free Trade Agreement (CAFTA-DR).
- † Address currency manipulation through trade agreements.
- † Support the Export-Import Bank as an independent, self-sustaining federal agency.

ENERGY & THE ENVIRONMENT
PLAN OF ACTION

Read more about Energy & the Environment in Part One, Chapter Four.

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

THIS IS A TWO-PART PLAN: PROTECT & PROSPER

PART ONE: PROTECT

CAP-AND-TRADE

- † Embrace an intelligent market-based cap-and-trade system that rewards innovation and energy efficiency without inhibiting economic growth.

DRILLING, FRACKING AND ELECTRICITY GENERATION

- † Increase the federal royalty rate for oil and gas drilling on public lands from 12.5 percent to 20 percent, and the federal royalty rate for drilling in federal waters from 18.75 percent to 20 percent.
- † Increase the federal royalty for oil and gas drilling in the Arctic and Atlantic oceans to 25 percent.

- † Offer leasing discounts to oil and gas companies who make smart, environmentally sound decisions.
- † Decrease federal subsidies for fossil fuels.
- † Reinstate rules for disposing of coal ash and wastewater from coal-fired power plants.
- † Fully reinstate the *Clean Power Plan*, which reduces emissions from coal-fired power plants and transitions these plants to natural gas and/or renewable energy. Coal plants have got to go asap.
- † Reinstate rules that reduce carbon dioxide emissions from power plants.
- † Reinstate limits on greenhouse gas emissions from the drilling and transportation of natural gas.
- † Reinstate the ban on the intentional venting of methane.
- † Reinstate the rule that oil and gas companies must pay to limit methane leaks from wells.
- † Reinstate the rules for capturing methane – and regulating leaks – from landfills.
- † Enforce strict regulations on well construction to achieve the highest possible well integrity.
- † Enforce tight restrictions on offshore transportation and drilling to alleviate the risk of oil well leaks and tanker catastrophes.
- † Restore offshore drilling safeguards put in place after the explosion on the BP Deepwater Horizon (things like “blowout preventors”).
- † Under no circumstance should the president of the United States be solely responsible for approving or denying international pipelines and other infrastructure.
- † Do not limit shareholder ballot initiatives that allow changes to companies’ policies on environmental and social issues.

LET'S GO GREEN!

- † Honor the benchmarks and timeframes established in the *Paris Climate Agreement* regarding submitting a plan and reporting on its progress.
- † Create an award, much like Prince William's *Earthshot Prize*, that gives a million dollar prize every year to five environmental projects that cover one of five goals: fixing the climate, cleaning the air, protecting and restoring nature, reviving oceans, and tackling waste.
- † Protect and preserve America's support of the *Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer*.
- † Protect and preserve the *National Environmental Policy Act* (NEPA), a statute that mandates federal agencies perform environmental reviews before undertaking major federal actions that substantially affect the environment.
- † Incentivize companies to explore carbon-capture technology and ideas like taking carbon out of the atmosphere and storing it underground.
- † Champion the *Clean Energy Challenge*, a partnership with states, cities, and communities to reduce pollution and encourage clean energy.
- † Protect states' rights under Section 401 of the *Clean Water Act*.
- † Continue to study how enteric fermentation (essentially burping cows) negatively affects the environment, find solutions, then incentivize feed yards to be part of the solution.
- † Explore marine nuclear power stations, both floating and underwater.
- † Increase our commitment to reforestation to manage genetic diversity, as well as to sequester carbon to counter greenhouse gas emissions.
- † Ban chlorpyrifos, a pesticide that threatens children's brain development.

- † Ratify the treaty that phases out hydrofluorocarbons (HFCs). Pressure Congress to adopt new policies as well.

PART TWO: PROSPER

- † Understand the global market. Be a global leader in both energy and environmental policy.
- † Revitalize coal communities by making them an engine of U.S. economic growth in the 21st century.
- † Invest in innovative, clean energy infrastructure.
- † Invest in an ambitious clean-energy research agenda. Fully support the Advanced Research Projects Agency – Energy (ARPA-E).
- † Fully support the American liquefied natural gas (LNG) market.
- † Begin plans for a U.S. Supergrid, a network of high-capacity cables that takes pressure off the AC grid as we phase in more renewables.
- † Protect our national forests under the *National Environmental Policy Act*. Rollback the Trump administration’s assault on the Tongass National Forest.
- † Protect the *Endangered Species Act*.
- † Ban barbaric hunting techniques in Alaska – again.
- † Fully support the Financial Stability Board (FSB)’s Task Force on Climate-Related Financial Disclosures (TCFD).
- † Applaud and support the Oil and Gas Climate Initiative (OGCI), a coalition of the world’s largest energy companies finding ways to reduce emissions.

WHY THIS MATTERS: THE ENVIRONMENT

The U.S. Global Change Research Program (USGCRP) is made up of 13 U.S. federal departments and agencies that carry out research and support the Nation's response to global change. The USGCRP is overseen by the Subcommittee on Global Change Research (SGCR) of the National Science and Technology Council's Committee on Environment, Natural Resources, and Sustainability (CENRS), which in turn is overseen by the White House Office of Science and Technology Policy (OSTP).

The agencies within USGCRP are the Department of Agriculture, the Department of Commerce (NOAA), the Department of Defense, the Department of Energy, the Department of Health and Human Services, the Department of the Interior, the Department of State, the Department of Transportation, the Environmental Protection Agency, the National Aeronautics and Space Administration, the National Science Foundation, the Smithsonian Institution, and the U.S. Agency for International Development.

The USGCRP released a report that said, in part: "Global annually averaged surface air temperature has increased by about 1.8°F (1.0°C) over the last 115 years (1901–2016). This period is now the warmest in the history of modern civilization. The last few years have also seen record-breaking, climate-related weather extremes, and the last three years have been the warmest years on record for the globe.

These trends are expected to continue over climate timescales. This assessment concludes, based on extensive evidence, that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century.

For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence. In addition to warming, many other aspects of global climate are changing, primarily in response to human activities. Thousands of studies conducted by researchers around the world have documented

changes in surface, atmospheric, and oceanic temperatures; melting glaciers; diminishing snow cover; shrinking sea ice; rising sea levels; ocean acidification; and increasing atmospheric water vapor.”

They conclude, “Humanity’s effect on the Earth system, through the large-scale combustion of fossil fuels and widespread deforestation and the resulting release of carbon dioxide (CO₂) into the atmosphere, as well as through emissions of other greenhouse gases and radiatively active substances from human activities, is unprecedented. There is significant potential for humanity’s effect on the planet to result in unanticipated surprises and a broad consensus that the further and faster the Earth system is pushed towards warming, the greater the risk of such surprises.”

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The USGCRP released another report that brings this fabulous news: “Climate change creates new risks and exacerbates existing vulnerabilities in communities across the United States, presenting growing challenges to human health and safety, quality of life, and the rate of economic growth. Without substantial and sustained global mitigation and regional adaptation efforts, climate change is expected to cause growing losses to American infrastructure and property and impede the rate of economic growth over this century.

Climate change affects the natural, built, and social systems we rely on individually and through their connections to one another. These interconnected systems are increasingly vulnerable to cascading impacts that are often difficult to predict, threatening essential services within and beyond the Nation’s borders. The quality and quantity of water available for use by people and ecosystems across the country are being affected by climate change, increasing risks and costs to agriculture, energy production, industry, recreation, and the environment.

Impacts from climate change on extreme weather and climate-related events, air quality, and the transmission of disease through insects and pests, food, and water increasingly threaten the health and well-being of the American people, particularly populations that are already vulnerable.

Ecosystems and the benefits they provide to society are being altered by climate change, and these impacts are projected to continue. Without substantial and sustained reductions in global greenhouse gas emissions, transformative impacts on some ecosystems will occur; some coral reef and sea ice ecosystems are already experiencing such transformational changes.

Rising temperatures, extreme heat, drought, wildfire on rangelands, and heavy downpours are expected to increasingly disrupt agricultural productivity in the United States. Expected increases in challenges to livestock health, declines in crop yields and quality, and changes in extreme events in the United States and abroad threaten rural livelihoods, sustainable food security, and price stability.

Our Nation's aging and deteriorating infrastructure is further stressed by increases in heavy precipitation events, coastal flooding, heat, wildfires, and other extreme events, as well as changes to average precipitation and temperature. Without adaptation, climate change will continue to degrade infrastructure performance over the rest of the century, with the potential for cascading impacts that threaten our economy, national security, essential services, and health and well-being. Coastal communities and the ecosystems that support them are increasingly threatened by the impacts of climate change.

Without significant reductions in global greenhouse gas emissions and regional adaptation measures, many coastal regions will be transformed by the latter part of this century, with impacts affecting other regions and sectors. Even in a future with lower greenhouse gas emissions, many communities are expected to suffer financial impacts as chronic high-tide flooding leads to higher costs and lower property values.”

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A report from the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) reveals that “Nature is declining globally at rates unprecedented in human history – and the rate

of species extinctions is accelerating, with grave impacts on people around the world now likely. Also, around 1 million animal and plant species are now threatened with extinction, many within decades, more than ever before in human history.”

Of the findings, IPBES Chair Sir Robert Watson said, “The overwhelming evidence of the IPBES Global Assessment, from a wide range of different fields of knowledge, presents an ominous picture. The health of ecosystems on which we and all other species depend is deteriorating more rapidly than ever. We are eroding the very foundations of our economies, livelihoods, food security, health and quality of life worldwide.”

“The Report also tells us that it is not too late to make a difference, but only if we start now at every level from local to global. Through ‘transformative change,’ nature can still be conserved, restored and used sustainably – this is also key to meeting most other global goals. By transformative change, we mean a fundamental, system-wide reorganization across technological, economic and social factors, including paradigms, goals and values.”

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The *Annual Threat Assessment* from the U.S. Director of National Intelligence, released on April 9, 2021, warns:

“The effects of a changing climate and environmental degradation will create a mix of direct and indirect threats, including risks to the economy, heightened political volatility, human displacement, and new venues for geopolitical competition that will play out during the next decade and beyond. Scientists also warn that warming air, land, and sea temperatures create more frequent and variable extreme weather events, including heat waves, droughts, and floods that directly threaten the United States and US interests, although adaptation measures could help manage the impact of these threats. The degradation and depletion of soil, water, and biodiversity

resources almost certainly will threaten infrastructure, health, water, food, and security, especially in many developing countries that lack the capacity to adapt quickly to change, and increase the potential for conflict over competition for scarce natural resources.”

Highlights from the report:

- † 2020 tied for the hottest year on record, following a decade of rising temperatures from 2010 to 2019. Arctic Sea ice minimum coverage reached its second lowest level on record in 2020, highlighting the increasing accessibility of resources and sea lanes in a region where competition is ratcheting up among the United States, China, and Russia.
- † In 2020, six Atlantic storms passed a “rapid intensification threshold” because of warming temperatures, representing more damaging storms that offer less time for populations – as well as U.S. military installations on the Gulf Coast – to evacuate or prepare.
- † The 2020 storm season hit Central America particularly hard. The region already was suffering from several years of alternating drought and storms, increasing the potential for large-scale migration from the region as pandemic-related restrictions on movement ease.
- † Environmental degradation from pollution and poor land management practices will continue to threaten human health and risk social unrest. Air pollution was the fourth leading risk factor for premature death globally in 2019, resulting in approximately 7 million deaths, and has been found to increase the susceptibility to and severity of Covid-19 infections. Despite temporary improvements in air quality globally in 2020 resulting from Covid-19 lockdowns, by September 2020 air pollution had returned to pre-pandemic levels.

† The threat from climate change will intensify because global energy usage and related emissions continue to increase, putting the Paris Agreement goals at risk. Even in the midst of a global pandemic that shuttered countries and significantly reduced travel, global CO² emissions only decreased by less than 6-percent in 2020. By December 2020, they had rebounded to previous monthly levels as countries began to reopen, an indication of how strongly emissions are coupled to economic growth.

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The United Nations' Intergovernmental Panel on Climate Change released a report with results that have “no documented historic precedent for their scale.” The report says that “human activities are estimated to have caused approximately 1.0°C of global warming above pre-industrial levels, with a likely range of 0.8°C to 1.2°C. Global warming is likely to reach 1.5°C between 2030 and 2052 if it continues to increase at the current rate.”

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A study published in *Nature* says this: “Here we document a regional-scale shift in stock–recruitment relationships of corals along the Great Barrier Reef – the world’s largest coral reef system – following unprecedented back-to-back mass bleaching events caused by global warming. As a consequence of mass mortality of adult brood stock in 2016 and 2017 owing to heat stress, the amount of larval recruitment declined in 2018 by 89 percent compared to historical levels...The extent to which the Great Barrier Reef will be able to recover from the collapse in stock–recruitment relationships remains uncertain, given the projected

increased frequency of extreme climate events over the next two decades.”

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A study published in *Science* says: “Climate change from human activities mainly results from the energy imbalance in Earth’s climate system caused by rising concentrations of heat-trapping gases. About 93 percent of the energy imbalance accumulates in the ocean as increased ocean heat content (OHC). The ocean record of this imbalance is much less affected by internal variability and is thus better suited for detecting and attributing human influences than more commonly used surface temperature records. Recent observation-based estimates show rapid warming of Earth’s oceans over the past few decades. This warming has contributed to increases in rainfall intensity, rising sea levels, the destruction of coral reefs, declining ocean oxygen levels, and declines in ice sheets; glaciers; and ice caps in the polar regions.”

FEDERAL RESERVE

The Federal Reserve System is the central bank of the United States. Although, to some degree, the Federal Reserve has an interdependent relationship with Congress, it is absolutely imperative that it remain independent of anything having to do with politics.

The Fed performs five functions to promote the effective operation of the U.S. economy and, more generally, the public interest:

- † The Fed conducts the nation's monetary policy to promote maximum employment, stable prices, and moderate long-term interest rates in the U.S. economy.
- † The Fed promotes the stability of the financial system and seeks to minimize and contain systemic risks through active monitoring and engagement in the U.S. and abroad.
- † The Fed promotes the safety and soundness of individual financial institutions and monitors their impact on the financial system.
- † The Fed fosters payment and settlement system safety and efficiency through services to the banking industry and the U.S. government that facilitate U.S.-dollar transactions and payments.
- † The Fed promotes consumer protection and community development through consumer-focused supervision and examination, research and analysis of emerging consumer issues and trends, community economic development activities, and the administration of consumer laws and regulations.

1787 will always respect the independence of the Federal Reserve. We will never interfere with the Fed's decisions, and we will never attempt to compromise its integrity by engaging in highly damaging political games.

GOVERNMENT REFORM PLAN OF ACTION

Read more about Government Reform in Part One, Chapter Four.

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

THIS IS A SEVEN-PART PLAN:

1. Reign In Presidential Power. Restore Checks & Balances.
2. Significantly Curtail Current Lobbying Practices
3. Stop Other Corrupt Practices
4. Ethical Conduct and Government Accountability
5. The Rule of Law and Evenhanded Administration of Justice
6. Integrity and Accessibility of Government Research and Data
7. Accountable and Qualified Government Officials

REIGN IN PRESIDENTIAL POWER. RESTORE CHECKS & BALANCES.

† See Government Reform in Part One, Chapter Four.

SIGNIFICANTLY CURTAIL CURRENT LOBBYING PRACTICES

- † Demand complete transparency and accountability in all lobbying activities.
- † Create an independent enforcement agency that guarantees the strict compliance of lobbying laws and ethic rules.

- † Require the registration of lobbyists and their clients. Create a database that is easily accessible to the public.
- † Enact a five-year ban on lobbying by Presidents, Vice Presidents, Members of Congress, and federal judges.
- † Enact a five-year ban on federal employees from lobbying their former office, department, or House of Congress after they leave the government.
- † Place stiff restrictions and disclosure requirements on the “revolving door” between the private sector and public officials.

STOP OTHER CORRUPT PRACTICES

- † Automatically terminate an emergency declaration within 30 days unless Congress votes to extend it. Impose reporting requirements on the president.
- † Develop a mechanism to expedite court consideration of any congressional subpoenas of the executive branch.
- † Demand that partisan gerrymandering end. Encourage all states to use an independent, bipartisan commission to draw the maps.
- † Absolutely, positively do not allow earmarks. Ever.
- † Propose a constitutional amendment to overturn *Citizens United*.
- † Properly enforce the *STOCK Act* and strict pay-to-play restrictions on government contracts.
- † Prohibit government officials from holding or trading stock when they might be influenced by their agency, department, or actions.
- † Demand complete transparency in all government contracting activities.
- † Erect a barrier between the White House and the Justice Department. Do not tolerate political interference in any way.
- † Require all communications between the White House and Justice Department be made available to the inspector general.

- † Pass legislation that specifically prohibits political campaigns from accepting help from foreign countries (it is unbelievable that this has to be written down somewhere).

GENERAL TOPICS

- † End the electoral college. Encourage states to join the *National Popular Vote Interstate Compact* while we push for a constitutional amendment.
- † Congress should pass legislation to limit presidential trade authority. The legislation should require a congressional review whenever a president invokes Section 232 and should be retroactive for two years.
- † Thoroughly investigate the secret and extraordinary emergency authorities given to the president. At a minimum, require transparency and establish strict congressional oversight.
- † Simplify legislation, retain the filibuster, and support new rules for bringing proposals to the floor of the House of Representatives.
- † Stop allowing continuing resolutions, omnibus spending deals, and debt-ceiling hikes to substitute for a real budget. It's ridiculous.
- † Extend Congress' new sexual harassment law to include discrimination of any kind.
- † Revoke the Ultra High Frequency (UHF) discount, which allows stations to count only 50 percent of its audience toward the 39 percent audience cap.
- † Strengthen Whistleblower Protections. Implement severe penalties for revealing the identity of whistleblowers, and/or for threatening them in any way.
- † Close the loophole that allows FEC commissioners to decline to pursue a complaint citing "prosecutorial discretion."

The recommendations for the final four sections are taken directly from the National Task Force on Rule of Law & Democracy’s *Proposals for Reform*. The task force did an excellent job. Their recommendations are an excellent place to start! Here is their mission statement:

“The Task Force is a nonpartisan group of former public servants and policy experts. We have worked at the highest levels in federal and state government, as prosecutors, members of the military, senior advisers in the White House, members of Congress, heads of federal agencies, and state executives. We come from across the country and reflect varying political views. We have come together to develop solutions to repair and revitalize our democracy.

Our focus is not on the current political moment but on the future. Our system of government has long depended on leaders following basic norms and ground rules designed to prevent abuse of power. Unless those guardrails are restored, they risk being destroyed permanently – or being replaced with new antidemocratic norms that future leaders can exploit. We have examined norms and practices surrounding financial conflicts, political interference with law enforcement, the use of government data and science, the appointment of public officials, and many other related issues. We have consulted other experts and former officials from both parties. Despite our differences, we have identified concrete ways to fix what has been broken.”

ETHICAL CONDUCT AND GOVERNMENT ACCOUNTABILITY

- † Congress should pass legislation to create an ethics task force to modernize financial disclosure requirements for public officials.
- † Congress should require the president and vice president, and candidates for those offices, to publicly disclose their personal and business tax returns.

- † Congress should require a national security financial review for incoming presidents, vice presidents, and other senior officials.
- † Congress should pass a law to enforce the safeguards in the Foreign and Domestic Emoluments Clauses of the U.S. Constitution.
- † Congress should extend federal safeguards against conflicts of interest to the president and vice president.
- † Congress should reform the Office of Government Ethics so that it can better enforce federal ethics laws.

THE RULE OF LAW AND EVENHANDED ADMINISTRATION OF JUSTICE

- † Congress should pass legislation requiring the executive branch to articulate clear standards for and report on how the White House interacts with law enforcement.
- † Congress should empower agency inspectors general to investigate improper interference in law enforcement matters.
- † Congress should require written justifications from the president for pardons involving close associates.
- † Congress should pass a resolution expressly and categorically condemning self-pardons.
- † Congress should pass legislation to protect special counsels from improper removal.

INTEGRITY AND ACCESSIBILITY OF GOVERNMENT RESEARCH AND DATA

- † Congress should pass legislation that establishes scientific integrity standards for the executive branch and requires agencies to create policies that guarantee those standards.

- † Congress should pass legislation requiring agencies that perform scientific research to articulate clear standards for, and report on, how political officials interact with career researchers.
- † Congress should pass legislation to define and prohibit politically motivated manipulation and suppression of government research and data in the executive branch. It should also prohibit discrimination and retaliation against government researchers on the basis of their scientific conclusions.
- † Congress should pass legislation to ensure the proper functioning of science advisory committees.
- † Congress should enact legislation requiring proactive disclosure of government research and data.
- † Congress should enact legislation requiring disclosure of the nonpolitical expert regulatory analysis that underlies agency rulemaking.

ACCOUNTABLE AND QUALIFIED GOVERNMENT OFFICIALS

- † Congress should fix the *Federal Vacancies Reform Act* to prevent presidents from cutting the Senate out of the appointments process.
- † Congress should take concrete steps to streamline the nomination and confirmation process.
- † Congress should amend the federal anti-nepotism law to make clear that it applies to presidential appointments in the White House.
- † Congress should adopt additional statutory qualifications for certain senior executive branch positions.
- † Congress should reform the White House security clearance process.

HOUSING

Considered one of the most significant legislative achievements of the civil rights era, the *Fair Housing Act of 1968* prohibits discrimination concerning the sale, rental, and financing of housing. This means that landlords, real estate companies, municipalities, banks and other lending institutions, and homeowners insurance companies cannot make housing unavailable to individuals because of race or color, religion, sex, national origin, familial status, or disability.

Serving as a follow-up to the *Civil Rights Act of 1964*, the bill was swiftly passed in the days after the assassination of Dr. Martin Luther King, Jr.

In 1988, Congress passed the *Fair Housing Amendments Act*, which expanded the law to prohibit housing discrimination based on disability or family status, such as single mothers or families with children. This legislation brought the enforcement of the *Fair Housing Act* even more definitively under the watch of the U.S. Department of Housing and Urban Development (HUD).

Unfortunately, the U.S. Department of Justice reports this:

“One of the central objectives of the *Fair Housing Act*, when Congress enacted it in 1968, was to prohibit race discrimination in sales and rentals of housing. Nevertheless, more than 30 years later, race discrimination in housing continues to be a problem.

The majority of the Justice Department’s pattern or practice cases involve claims of race discrimination. Sometimes, housing providers try to disguise their discrimination by giving false information about availability of housing, either saying that nothing is available or steering home-seekers to certain areas based on race. Individuals who receive such false information or misdirection may have no knowledge that they have been victims of discrimination.

The Department of Justice has brought many cases alleging this kind of discrimination based on race or color. In addition,

the Department's *Fair Housing Testing Program* seeks to uncover this kind of hidden discrimination and hold those responsible accountable.

Most of the mortgage lending cases brought by the Department under the *Fair Housing Act* and *Equal Credit Opportunity Act* have alleged discrimination based on race or color. Some of the Department's cases have also alleged that municipalities and other local government entities violated the *Fair Housing Act* when they denied permits or zoning changes for housing developments, or relegated them to predominantly minority neighborhoods, because the prospective residents were expected to be predominantly African Americans."

Enter the Trump administration, which tried to undermine the *Fair Housing Act* on multiple fronts to "save the suburbs." It doesn't take a genius to figure out what *that* means...

The first attempt was to suspend the *Small Area Fair Market Rent* rule for public housing agencies, a rule that gives low-income families the ability to pursue housing in safer suburban neighborhoods. Small Area FMRs (SAFMRs) reflect rents in specific ZIP Codes as opposed to averages across entire metropolitan regions, and then increase the amount of a voucher for high-rent ZIP Codes.

Thankfully, after being sued multiple times, the Trump administration was finally blocked by the U.S. District Court for the District of Columbia.

In 2015, under the Obama administration, HUD adopted the *Affirmatively Furthering Fair Housing Rule*, a rule that required entities that receive federal grants and housing aid to submit plans detailing how they will end housing discrimination and segregation. Although the *Fair Housing Act* required this type of accountability from the beginning, proper legislation had never been passed to ensure compliance. At the time, HUD said:

"From its inception, the *Fair Housing Act* (and subsequent laws reaffirming its principles) not only prohibited discrimination in

housing related activities and transactions but also imposed a duty to affirmatively further fair housing (AFFH).”

The AFFH rule sets out a framework for local governments, States, and public housing agencies (PHAs) to take meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. The rule is designed to help program participants better understand what they are required to do to meet their AFFH duties and enables them to assess fair housing issues in their communities and then to make informed policy decisions.

For purposes of the rule, affirmatively furthering fair housing “means taking meaningful actions < which means significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity > in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.

Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant’s activities and programs relating to housing and urban development.”

Who could possibly be against this? Yep, you guessed it. In January 2018, the Trump administration suspended implementation of the *Affirmatively Furthering Fair Housing Rule*. Thankfully, the Biden administration has announced plans to reinstate it.

WHY THIS MATTERS: HOUSING

Research conducted by two professors from Princeton University discovered that “median homeownership rates are similar in most urban areas and, with a few exceptions, hover around 70 percent. But in majority-Black neighborhoods, homeownership rates are frequently well below 50 percent. In Albany, New York and Atlantic City, New Jersey, the gap between White and Black neighborhoods reaches a staggering 40 and 50 percentage points, respectively.”

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The Wall Street Journal reports that “the Black homeownership rate has fallen 8.6 percentage points since its peak in 2004.”

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A joint study from Brookings, a nonprofit public policy organization, and Gallup, a global analytics and advice firm, found that “in the average U.S. metropolitan area, homes in neighborhoods where the share of the population is 50 percent Black are valued at roughly half the price as homes in neighborhoods with no Black residents.”

† There is a strong and powerful statistical relationship between the share of the population that is Black and the market value of owner-occupied homes. Location in a Black neighborhood predicts a large financial penalty for 117 out of the 119 metropolitan areas with

majority Black neighborhoods, though the valuation gap varies widely between them.

† Differences in home and neighborhood quality do not fully explain the devaluation of homes in Black neighborhoods. Homes of similar quality in neighborhoods with similar amenities are worth 23 percent less in majority Black neighborhoods, compared to those with very few or no Black residents.

Majority Black neighborhoods do exhibit features associated with lower property values, including higher crime rates, longer commute times, and less access to high-scoring schools and well-rated restaurants. Yet, these factors only explain roughly half of the undervaluation of homes in Black neighborhoods. Across all majority Black neighborhoods, owner-occupied homes are undervalued by \$48,000 per home on average, amounting to \$156 billion in cumulative losses.

† Metropolitan areas with greater devaluation of Black neighborhoods are more segregated and produce less upward mobility for the Black children who grow up in those communities. Using combined tax and census data from the Equality of Opportunity Project, this analysis finds a positive and statistically significant correlation between the devaluation of homes in Black neighborhoods and upward mobility of Black children in metropolitan areas with majority Black neighborhoods. Segregation is negatively correlated with Black home valuations.

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Beginning in the 1930s, as part of President Franklin D. Roosevelt's *New Deal*, the Federal Housing Administration (FHA) created loan programs that lowered down payment requirements and extended the term of home loans from 5 to 30 years – all in an effort to make home ownership accessible to more Americans. To help banks determine who

should get home loans, the government-run Home Owners' Loan Corporation established a system for appraising neighborhoods, now commonly referred to as "redlining." Essentially, the United States government created color-coded maps, assigning green for "good" neighborhoods and red for "bad" neighborhoods (literally drawing red lines around what they considered "bad" neighborhoods, hence the name).

Unsurprisingly, Black neighborhoods (pretty much across the board) were given both the color red and the worst grade (D), which classified them as "hazardous" places to underwrite mortgages because "colored infiltration is a definite adverse influence on neighborhood desirability."

Naturally, without the ability to obtain conventional financing, these neighborhoods significantly declined as businesses left, segregation and discrimination deepened, and predatory lending and slumlords thrived.

Redlining was devastating for Black Americans. Between 1934 and 1962, the federal government backed \$120 billion of home loans. MORE THAN 98 PERCENT OF THE LOANS WENT TO WHITE PEOPLE.

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A report by *Reveal* from The Center for Investigative Reporting, which analyzed 31 million *Home Mortgage Disclosure Act* records, revealed that "modern-day redlining persisted in 61 metro areas even when controlling for applicants' income, loan amount and neighborhood." Their reporting "showed Black applicants were turned away at significantly higher rates than Whites in 48 cities, Latinos in 25, Asians in nine and Native Americans in three. In Washington, D.C., *Reveal* found all four groups were significantly more likely to be denied a home loan than Whites." They found that "lending patterns in Philadelphia today resemble redlining maps drawn across the country by government officials in the 1930s, when lending discrimination was legal."

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Researchers have found that “The increasing intensity, duration, and frequency of heat waves due to human-caused climate change puts historically underserved populations in a heightened state of precarity, as studies observe that vulnerable communities – especially those within urban areas in the United States – are disproportionately exposed to extreme heat...The results of the study reveal that “94 percent of studied areas display consistent city-scale patterns of elevated land surface temperatures in formerly redlined areas relative to their non-redlined neighbors by as much as 7 °C.” The researchers conclude that: “Historical housing policies may, in fact, be directly responsible for disproportionate exposure to current heat events.”

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The Consumer Financial Protection Bureau (CFPB) released a Data Point that found “one in ten adults in the U.S., or about 26 million people, are ‘credit invisible.’ This means that 26 million consumers do not have a credit history with one of the nationwide credit reporting companies.

An additional 19 million consumers have ‘unscorable’ credit files, which means that their file is thin and has an insufficient credit history (9.9 million) or they have stale files and lack any recent credit history (9.6 million).

In sum, there are 45 million consumers who may be denied access to credit because they do not have credit records that can be scored. Together, the unscorable and credit invisible consumers make up almost 20 percent of the entire U.S. adult population. Consumers who are credit invisible or unscorable generally do not have access to quality credit and may face a range of issues, from trying to obtain credit to leasing an apartment.”

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The latest Department of Housing and Urban Development (HUD) discrimination study says this: “For much of the twentieth century, discrimination by private real estate agents and rental property owners helped establish and sustain stark patterns of housing and neighborhood inequality...Minority renters are told about and shown fewer homes and apartments than equally qualified Whites.

Black renters who contact agents about recently advertised housing units learn about 11.4 percent fewer available units than equally qualified Whites and are shown 4.2 percent fewer units; Hispanic renters learn about 12.5 percent fewer available units than equally qualified Whites and are shown 7.5 percent fewer units; and Asian renters learn about 9.8 percent fewer available units than equally qualified Whites and are shown 6.6 percent fewer units.”

HUD also says, “the results reported probably understate the total level of discrimination that occurs in the marketplace.”

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A study from the National Fair Housing Alliance – a consortium of more than 200 private, non-profit fair housing organizations, state and local civil rights agencies, and individuals from throughout the United States – found that: “Our current credit-scoring systems have a disparate impact on people and communities of color. These systems are rooted in our long history of housing discrimination and the dual credit market that resulted from it. Moreover, many credit-scoring mechanisms include factors that do not just assess the risk characteristics of the borrower; they also reflect the riskiness of the environment in which a consumer is utilizing credit, as well as the riskiness of the types of products a consumer uses.”

The report concludes, “By 2042, the majority of people in this country will be people of color. Credit-scoring mechanisms are negatively affecting the largest growing segments of our country and economy. America cannot be successful if increasing numbers of our residents are isolated from the financial mainstream and are subjected to abusive and harmful lending practices. Credit scores have an increasing impact on our daily activities and determine everything from whether we can get a job, to whether we will be able to successfully own a home. The current credit-scoring systems work against the goal of moving qualified consumers into the financial mainstream because they are too much a reflection of our broken dual credit market. This paradigm must change.”

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According to the Pew Charitable Trust, “Nearly 43 million U.S. households rented their homes in 2016 (the latest data available) including about 9 million households that were formed over the preceding decade, according to the Harvard Joint Center for Housing Studies.

Demand for rental properties has increased across age and socio-economic groups since 2008. Recent research indicates that although some of those increases can be explained by population shifts, a significant portion is the result of declines in homeownership since the Great Recession.”

This imbalance is contributing to high rates of ‘rent burden,’ which we define here as spending 30 percent or more of pretax income on rent. Rent-burdened households have higher eviction rates, increased financial fragility, and wider use of social safety net programs, compared with other renters and homeowners. And as housing costs consume a growing share of household income, families must cut back in other areas.”

† In 2015, 38 percent of all “renter households” were rent burdened, an increase of about 19 percent from 2001.

- † The share of renter households that were severely rent burdened – spending 50 percent or more of monthly income on rent – increased by 42 percent between 2001 and 2015, to 17 percent. Increasing rent burdens were driven in part by year-over-year growth in gross rent – contract price plus utilities – that far exceeded changes in pretax income, which means that after paying rent, many Americans have less money available for other needs than they did 20 years ago.
- † In 2015, 46 percent of African American-led renter households were rent burdened, compared with 34 percent of White households. Between 2001 and 2015, the gap between the share of White and African American households experiencing severe rent burden grew by 66 percent.
- † Senior-headed renter households are more likely than those headed by people in other age groups to be rent burdened. In 2015, about 50 percent of renter families headed by someone 65 or older were rent burdened, and more than a fifth were severely rent burdened.
- † Rent-burdened families are also financially insecure in many other ways:
 1. Nearly two-thirds (64 percent) had less than \$400 cash in the bank; most (84 percent) of such households are African American-headed.
 2. Half had less than \$10 in savings across various liquid accounts, while half of homeowners had more than \$7,000.
- † Fewer rent-burdened households transitioned from renting to owning in 2015 than in 2001. Households that were rent burdened for at least a year were less likely to buy a home than those that never experienced a rent burden.

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On top of everything else, in an exhaustive study analyzing 118 million homes, researchers from Indiana University and the University of California, Berkeley found “widespread racial inequalities in the U.S. property tax burden.”

The study found a “nationwide assessment gap which leads local governments to place a disproportionate fiscal burden on racial and ethnic minorities.” The researchers discovered “that holding jurisdictions and property tax rates fixed, Black and Hispanic residents nonetheless face a 10-13 percent higher tax burden for the same bundle of public services.”

“This assessment gap arises through two channels. First, property assessments are less sensitive to neighborhood attributes than market prices are. This generates racially correlated spatial variation in tax burden within jurisdiction. Second, appeals behavior and appeals outcomes differ by race.”

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Does all this even really matter? Yes. A LOT. Harvard University and the National Bureau of Economic Research did a joint study:

“The Moving to Opportunity (MTO) experiment offered randomly selected families living in high-poverty housing projects housing vouchers to move to lower-poverty neighborhoods.

We find that moving to a lower-poverty neighborhood significantly improves college attendance rates and earnings for children who were young (below age 13) when their families moved. These children also live in better neighborhoods themselves as adults and are less likely to become single parents. The treatment effects are substantial: children whose families take up an experimental voucher to move to a lower-poverty area when they are less than 13 years old have an annual income that is \$3,477 (31 percent) higher on average relative to a mean of \$11,270 in the control group in their mid-twenties.”

Even still, according to a study by the Center on Budget and Policy Priorities, “315,000 children in families using vouchers lived in extremely poor neighborhoods in 2017.”

HOUSING

PLAN OF ACTION

EQUALITY + LEGISLATION + CITY & STATES

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

EQUALITY

IN GENERAL

- † Find a balance between overly restrictive credit requirements and giving under-served borrowers the opportunity for sustainable homeownership.
- † End redlining and lending discrimination once and for all. Improve credit access for persons and neighborhoods of color.
- † Put an end to unfair property assessments, which cause widespread over-taxation of Black Americans’ homes.
- † Rebuild the Consumer Financial Protection Bureau (CFPB). Protect the Office of Fair Lending and Equal Opportunity.
- † Expand the protected classes to protect people against discrimination on the basis of sexual orientation, gender identity and marital status.

- † Stop predatory land contract practices. Demand that all contracts for deed be appropriately recorded.
- † Continue to go after tech companies that restrict access to housing ads based on characteristics like race, religion, or national origin.

BROADEN HOME OWNERSHIP

- † Champion the Family Self-Sufficiency (FSS) program to increase incomes and reduce dependency on government assistance and rental subsidies.
- † Encourage and support programs like the *Moving to Opportunity* (MTO) initiative.
- † Create a refundable housing credit that would allow more taxpayers to enjoy the housing benefits of the tax code.
- † Create a matched-savings program for down-payments.
- † Reinstate the *First-Time Homebuyer Tax Credit* and make it permanent.
- † Encourage the Senate to pass the *Housing Voucher Mobility Demonstration Act*.
- † Overhaul the *Opportunity Zone* program. Add public reporting, terminate high-income zones, and prohibit casinos, stadiums and luxury apartments.
- † Fully and wholeheartedly support Community Development Financial Institutions (CDFIs).
- † Encourage more banks to conduct *Community Reinvestment Act* (CRA) lending.
- † Encourage Fannie Mae and Freddie Mac to partner with banks that conduct *Community Reinvestment Act* (CRA) lending.
- † Incentivize cities and states to ease up on land use restrictions and other undue regulations, which is decimating housing affordability.

- † Incentivize cities and states to provide a broader and more affordable range of housing options to alleviate tight housing market conditions.
- † Incentivize cities and states to modernize zoning laws and code requirements and to streamline permitting processes.

LEGISLATION

- † Honor the *Fair Housing Act*: Reinstate the Affirmatively Furthering Fair Housing Rule
- † Honor the *Fair Housing Act*: Protect the Small Area Fair Market Rent Rule.
- † Honor the *Fair Housing Act*: Protect the Disparate Impact Rule.
- † Encourage the Senate to pass the *Housing Voucher Mobility Demonstration Act*.

CITIES AND STATES

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- † Incentivize cities and states to modernize zoning laws and code requirements and to streamline permitting processes.

INFRASTRUCTURE PLAN OF ACTION

Read more about Infrastructure in Part One, Chapter Four.

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

- † Establish a national vision for infrastructure and develop a substantial strategy to repair America’s crumbling public infrastructure.
- † Be smart. Mitigate our costs and leverage our investment.
- † In our infrastructure plan, provide strong incentives for states to invest additional money in public infrastructure.
- † Leverage public-private partnerships and support and encourage private sector solutions.
- † Establish a National Infrastructure Bank. Cultivate other innovative and creative funding avenues.
- † Improve and streamline permitting and approval processes.
- † Encourage open, productive communication between the federal government and state & local officials.

MARKETS PLAN OF ACTION

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

Read more about Markets in Part One, Chapter Four.

In a perfect world the markets would self-regulate. However, past economic events like the 2007-2009 Financial Crisis prove that even the free-est of markets demand boundaries. Adam Smith’s *invisible hand* – which would ideally guide market participants to contribute in a mutually beneficial way – is not foolproof when that hand is attached to a fool.

Luckily, it’s possible to strike an appropriate balance between risk-taking and recklessness. Sensible financial regulation gives the breathing room necessary for innovation, entrepreneurship and economic growth but, at the same time, prevents the catastrophic extremes that the free market can unleash.

Note: The first five recommendations are from the Federal Reserve Bank of Minneapolis’ *Plan to End Too Big to Fail*.

- † Fully understand and accept why “Too Big to Fail” remains a critical threat to the United States.
- † Significantly increase the minimum capital requirements for banks with \$250 billion or more in assets.
- † Banks with \$250 billion or more in assets either cease being systemically important or face the systemic risk charge.

- † Impose a tax on the borrowings of shadow banks with assets over \$50 billion; 1.2 percent for those not systemically important.
- † Create a much simpler and less-burdensome supervisory and regulatory regime for community banks.
- † Champion and protect an independent Consumer Financial Protection Bureau.
- † Ensure that the derivative markets are transparent and assessed accurately. Measure by the International Financial Reporting Standards (IFRS), not by the General Accepted Accounting Principles (GAAP).
- † Prosecute financial crimes to the fullest extent of the law.
- † Enforce high standards and accountability for credit rating agencies and NRSROs.
- † Continue holding auditors accountable through strict enforcement by the Public Company Accounting Oversight Board (PCAOB).
- † Ensure that the Federal Reserve retains the ability to provide emergency liquidity and to buy Treasury bonds in a crisis.

MEDICAID

In December 2010, the Obama White House released *The Moment of Truth: Report of the National Commission on Fiscal Responsibility and Reform*, a report that the president and the leaders of both parties commissioned to address our nation's fiscal challenges. The Commission is sometimes called Simpson-Bowles in a reference to its co-chairs Senator Alan Simpson (former Republican Senator from Wyoming) and Erskine Bowles (Chief of Staff to President Clinton).

The Commission included 18 members and one executive director appointed by the president. The members included 6 members of the U.S. House of Representatives and 6 members of the U.S. Senate.

The report has 6 components: discretionary spending cuts; comprehensive tax reform; health care cost containment; mandatory savings; Social Security reforms to ensure long-term solvency and reduce poverty; and budget process changes.

The sensible solutions presented in *The Moment of Truth* have been largely ignored, which is yet another sign that Washington isn't going to do anything about the coming storm.

After the Commission's findings were released, Congress and the president had months to seriously contemplate their hard-to-swallow recommendations and bravely tackle the root causes of our impending financial Apocalypse.

Instead, less than four months later, Congress was hours away from a disastrous government shutdown that would have propelled this nation into chaos. To avoid the shutdown, they made cuts in discretionary spending that barely made a dent – and ones that certainly don't solve our long-term problem. Then, just a few months later, the congressional "super committee" failed yet again to reach an agreement on anything, which set the stage for the fiscal cliff and budget sequestration spectacle.

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Medicaid is a joint federal-state program that provides medical care for certain poor and low-income people, and the Children's Health Insurance Program (CHIP) provides coverage mostly for children in low-income families that do not qualify for Medicaid. Combined, these programs provide health benefits to well over 85 million people at an annual cost of \$671 billion.

In general, states use two types of payment systems to provide Medicaid benefits: fee for service (where states reimburse health care providers for the services that they deliver to beneficiaries) and managed care (where states pay a fixed per capita fee to private health insurance plans or to provider groups, known as Managed Care Organizations (MCOs), that provide services to enrollees).

Here Are Some Commonly Asked Questions:

Question: What's the deal with Medicaid expansion?

The *Affordable Care Act* (ACA) extended Medicaid eligibility to almost all people with incomes at or below 138 percent of the poverty line as the mechanism to cover low-income individuals. Unfortunately, in 2012 the Supreme Court ruled that states could individually decide whether or not they wanted to take advantage of this provision.

The Supreme Court decision created a huge coverage gap because Medicaid expansion is the only financial assistance that the ACA provided for this group of people. This is a major problem because, without the expansion, the median income limit is just 43 percent of the poverty line.

We must pressure the states that have not expanded Medicaid to do so at once. This irresponsible decision leaves millions of vulnerable Americans without affordable health insurance options. These states are Alabama, Florida, Georgia, Kansas, Mississippi, South Carolina, Tennessee, Texas, Wisconsin and Wyoming.

Question: Should there be a work requirement to receive Medicaid?

No.

This is a damaging solution for something that is not a major problem in the first place. According to the Kaiser Family Foundation, a nonprofit organization,

“Overall, the Medicaid program covers one in five Americans, including many with complex and costly needs for care. Historically, non-elderly adults without disabilities accounted for a small share of Medicaid enrollees; however, the *Affordable Care Act* (ACA) expanded coverage to non-elderly adults with income up to 138 percent FPL, or \$16,642 per year for an individual in 2017.

By design, the expansion extended coverage to the working poor (both parents and childless adults), most of whom do not otherwise have access to affordable coverage. While many have gained coverage under the expansion, the majority of Medicaid enrollees are still the ‘traditional’ populations of children, people with disabilities, and the elderly.

Some states (as did the Trump administration) stated that the ACA Medicaid expansion targets ‘able-bodied’ adults and seek to make Medicaid eligibility contingent on work. Under current law, states cannot impose a work requirement as a condition of Medicaid eligibility, but some states are seeking waiver authority to do so. These types of waiver requests were denied by the Obama administration, but the Trump administration indicated a willingness to approve such waivers.”

The report found that:

† Among Medicaid adults (including parents and childless adults – the group targeted by the Medicaid expansion), nearly 8 in 10 live in working families, and a majority are working themselves. Nearly half

of working Medicaid enrollees are employed by small firms, and many work in industries with low employer-sponsored insurance offer rates.

- † Among the adult Medicaid enrollees who were not working, most report major impediments to their ability to work including illness or disability or care-giving responsibilities.
- † While proponents of work requirements say such provisions aim to promote work for those who are not working, these policies could have negative implications on many who are working or exempt from the requirements. For example, coverage for working or exempt enrollees may be at risk if enrollees face administrative obstacles in verifying their work status or documenting an exemption.

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A report by The Hamilton Project, an economic policy initiative within the Brookings Institution, found that “in the case of Medicaid, there are societal costs to taking health insurance away from an otherwise eligible person due to work requirements.

For example, since there are rules requiring hospitals to provide medical care to those experiencing life-threatening emergencies regardless of the individual’s ability to pay, those without insurance will in many cases seek and receive treatment in ways that are more expensive for society.

Second, care delivered via insurance may include preventive care, check-ups, and other care that is more efficient than delaying care until a medical problem becomes severe enough to be treated in an emergency room. Thus, denying insurance may not reduce costs for society. Finally, evidence suggests that health insurance is valued by participants at less than its cost, making proposed work requirements less effective at raising employment.”

The report also revealed the following:

- † Evidence of the effect of Medicaid participation on employment for childless adults is decidedly mixed, with population differences and prevailing economic conditions as potential explanations for why studies have shown positive, negative, and no effects on employment. Nevertheless, in the years since Medicaid expansion through the ACA, the preponderance of evidence suggests that Medicaid receipt has had little or positive effects on labor supply, with notable exceptions.
- † While there is no research evidence regarding the effect of work requirements in Medicaid, last month, as the first state to implement a plan, Arkansas dis-enrolled program participants for failing to comply with work requirements. Arkansas terminated coverage for 4,353 citizens for failing to qualify for an exemption or to meet work requirements, while an additional 1,218 reported 20 hours per week of work activities and 2,247 reported an exemption in the month of August.
- † For these programs to accomplish their goals, eligible people should not be dissuaded from applying for or improperly prevented from receiving those benefits. Evidence suggests that, under a variety of scenarios, the vast majority of those losing access to Medicaid would not lose access because they failed to meet a work requirement, but because they failed to successfully report their work/training activity or exemption. For example, in Arkansas, the only state currently implementing a work requirement in Medicaid, beneficiaries are required to report through an online portal, Access Arkansas (Arkansas Department of Human Services), despite a large number of program-eligible Arkansans who lack Internet access.
- † A large number of SNAP and Medicaid participants who would face new work requirements cycle in and out of the labor force and would thus lose benefits at certain times.

- † Among those who are in the labor force, spells of unemployment are either due to job-related concerns or health issues. Very few reported that they were not working due to lack of interest. Among those out of the labor force for the entire two-year period, health concerns are the overriding reason for not working, even after removing those who receive disability benefits from the sample.

- † The older portion of the population newly exposed to work requirements is more likely to be out of the labor force for extended periods of time. Among this group, again, health reasons are the overriding factor in not working. Work requirements for this group might push more onto disability rolls, make the disability adjudication even more consequential, and require a separate health investigation to settle all the necessary waivers. Failure to receive a waiver would result in dis-enrollment; losing access to these programs would reduce resources available to purchase food and health insurance among otherwise eligible households.

WHY THIS MATTERS: MEDICAID

Many people are critical of Medicaid outcomes, and certainly there is much room for improvement. But many of the studies released do not take into account the fact that Medicaid recipients are unfortunately poorer and, therefore, often much less healthy than others.

Here are just some of the reasons that Medicaid is important:

According to the Center on Budget and Policy Priorities, “Health reform’s Medicaid expansion has produced net budget savings for many states, new data show, and states such as Arkansas, Kentucky, Louisiana, and New Jersey expect continued net savings in coming years, even after they begin paying a modest part of the expansion’s cost. In part, this is because the expansion has lessened the burden on a patchwork of largely state-funded programs that connect people who are experiencing homelessness, have substance use disorders, or have other serious needs with critical health care services.

Medicaid expansion is a good deal for states financially, as the federal government pays the entire cost of covering the new Medicaid enrollees through this year and no less than 90 percent of the cost thereafter. In expansion states there is now less demand for targeted Medicaid programs that serve low-income people with specific health conditions (such as certain women with breast and cervical cancers) but are funded at the state’s regular, lower matching rate, and for health programs that are entirely state-funded such as mental and behavioral health programs.

Expansion states also are collecting more revenue from their existing taxes on health plans and providers, such as the managed care plans that

serve Medicaid beneficiaries in many states, which have experienced a surge in enrollment due to expansion.

The combination of these factors has produced savings for many state budgets. But Medicaid expansion is about more than the impact on state budgets. It also gives states an opportunity to provide needed care to uninsured people whose health conditions have been a barrier to employment. And for those leaving the criminal justice system, particularly those with mental illness or substance use disorders, access to care can reduce recidivism. Connecting these vulnerable populations with needed care can improve health, stabilize housing, and support employment.”

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A study from the National Bureau of Economic Research found “that the Medicaid expansions significantly reduced the number of unpaid bills and the amount of debt sent to third-party collection agencies among those residing in zip codes with the highest share of low-income, uninsured individuals. The estimates imply a reduction in collection balances of approximately \$1,140 among those who gain Medicaid coverage due to the ACA. The findings suggest that the ACA Medicaid expansions had important financial impacts beyond health care use.”

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In a study by the Robert Wood Johnson Foundation’s Health Policy Scholars and Health & Society Scholars Programs at the University of Michigan, Ann Arbor, researchers “evaluated how a rapid expansion of prenatal and child health insurance coverage through the Medicaid program affected the adult health and health care utilization of individuals

born between 1979 and 1993 who gained coverage in utero and as children.

They found that those whose mothers gained eligibility for prenatal coverage under Medicaid have lower rates of obesity and lower body mass indices as adults. Using administrative data on hospital discharges, they found that cohorts who gained in utero Medicaid eligibility have fewer preventable hospitalizations and fewer hospitalizations related to endocrine, nutritional and metabolic diseases, and immunity disorders as adults. They found effects of public eligibility in other periods of childhood on hospitalizations later in life, but these effects are small. The results indicate that expanding Medicaid prenatal coverage had long-term benefits for the health of the next generation.”

§

Another study from the National Bureau of Economic Research found “that having more years of Medicaid eligibility in childhood is associated with fewer hospitalizations and emergency department visits in adulthood for Blacks. The effects are particularly pronounced for hospitalizations and emergency department visits related to chronic illnesses and those of patients living in low-income neighborhoods.

Furthermore, they found evidence suggesting that these effects are larger in states where the difference in the number of Medicaid-eligible years across the cutoff birthdate is greater. Calculations suggest that lower rates of hospitalizations and emergency department visits during one year in adulthood offset between 3 and 5 percent of the initial costs of expanding Medicaid.”

§

Yet another study from the National Bureau of Economic Research showed “that Black children were more likely to be affected by the Medicaid expansions and gained twice the amount of eligibility as White children. They found a substantial effect of public eligibility during childhood on the later life mortality of Black children at ages 15-18. The estimates indicate a 13-20 percent decrease in the internal mortality rate of Black teens born after September 30, 1983.”

§

The National Bureau of Economic Research again: “We examine the long-term impact of expansions to Medicaid and the State Children’s Health Insurance Program that occurred in the 1980’s and 1990’s.

With administrative data from the IRS, we calculate longitudinal health insurance eligibility from birth to age 18 for children in cohorts affected by these expansions, and we observe their longitudinal outcomes as adults. Using a simulated instrument that relies on variation in eligibility by cohort and state, we find that children whose eligibility increased paid more in cumulative taxes by age 28. These children collected less in Earned Income Tax Credit (EITC) payments, and the women had higher cumulative wages by age 28.

Incorporating additional data from the Medicaid Statistical Information System (MSIS), we find that the government spent \$872 in 2011 dollars for each additional year of Medicaid eligibility induced by the expansions. Putting this together with the estimated increase in tax payments discounted at a 3 percent rate, assuming that tax impacts are persistent in percentage terms, the government will recoup 56 cents of each dollar spent on childhood Medicaid by the time these children reach age 60.

This return on investment does not take into account other benefits that accrue directly to the children, including estimated decreases in mortality and increases in college attendance. Moreover, using the MSIS data, we find that each additional year of Medicaid eligibility from birth to age 18 results in approximately 0.58 additional years of Medicaid

receipt. Therefore, if we scale our results by the ratio of beneficiaries to eligibles, then all of our results are almost twice as large.”

MEDICAID PLAN OF ACTION

Before anything else, we must get a handle on the fraud, waste, and abuse within the Centers for Medicare and Medicaid Services (CMS).

Read more about this in Part One, Chapter Four.

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

Addressing these challenges requires improvements to payment methods, program management, and program safeguards. The U.S. Government Accountability Office (GAO) recommends the following:

- † Reform and refine payment methods to encourage efficient service delivery.
- † Improve program management for efficiency and better service to beneficiaries.
- † Enhance program integrity to safeguard Medicaid from loss.

The recommendations below are directly from *The Moment of Truth: Report of the National Commission on Fiscal Responsibility and Reform's* comprehensive Health Care Savings recommendations. This is a solid place to start:

- † Reform the Medicare Sustainable Growth Rate (known as the “doc fix”).
- † Enact specific health savings to offset the costs of the Sustainable Growth Rate fix.
- † Allow expedited application for Medicaid waivers in well-qualified states.
- † Initiate significant medical malpractice reform.
- † Pilot premium support through the Federal Employees Health Benefits (FEHB).
- † Aggressively implement and expand payment reform pilots.
- † Eliminate provider carve-outs from the Independent Payment Advisory Board (IPAB).
- † Establish a long-term global budget for total health care spending.

MEDICARE PLAN OF ACTION

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Medicare is the second-largest social insurance program in the United States. As of 2021, the program served almost 64 million beneficiaries and had total annual expenditures of \$830 billion.

Because the number of beneficiaries is increasing faster than the number of workers, together with an increase in the volume and intensity of services delivered, Medicare is becoming increasingly strained.

From the latest report from its Board of Trustees: “As it has since 2004, the Hospital Insurance Trust Fund (HI) fails to meet the Board of Trustees’ short-range test of financial adequacy. In addition, as in all past reports, the HI trust fund fails to meet the Trustees’ long-range test of close actuarial balance.”

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NATIONAL “EMERGENCIES”

On February 15, 2019, Donald Trump declared a “national emergency” at the U.S-Mexico border. His goal was to reallocate taxpayer money from other accounts to fund more than 230 miles of his ridiculous “Wall” along the U.S.-Mexico border.

THIS IS OUTRAGEOUS...AND STRAIGHT UP UNCONSTITUTIONAL!

There was no “national emergency” at the border at that time. Were there issues that we needed to address? Certainly. Was it an imminent emergency? Certainly not. After all, if something is a true emergency, the solution wouldn’t be something that takes years to build.

We are a constitutional democracy for crying out loud! The abuse of presidential power has gotten completely out of control...and this started long before Donald Trump.

“No Money shall be drawn from the Treasury,
but in Consequence of Appropriations made by Law.”
– U.S. Constitution, Article I, Section 9, Clause 7 –

Yes, that is the United States Constitution. It’s pretty clear, right? In *The Federalist Papers: No. 58*, James Madison called this “the power of the purse,” as in “this power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people.”

What’s the deal here? Why can presidents so easily get around this very clear provision? Well, one reason is the *National Emergencies Act* passed by Congress in 1976, which significantly weakens Article 1, Section 9, Clause 7. This legislation allows the president to essentially declare a national emergency at his or her discretion.

The *National Emergencies Act* offers no specific definition of “emergency” – which is a recipe for disaster. Although Congress can reverse an emergency declaration by passing a resolution through both Houses, this specific example proves that this is not an effective counterbalance. Even if both Houses passed a resolution, presidents can simply veto it.

We have to reign in presidential power and fiercely protect limited and separated governmental powers, just as the Founding Fathers intended. One way we can do this is to support legislation that 1) automatically terminates an emergency declaration within 30 days unless Congress votes to extend the order, and 2) requires strong reporting requirements of the president. Read more about this in the *Government Reform* section of this book.

PUERTO RICO

Hurricane Maria – the worst natural disaster to ever affect Puerto Rico and the fifth worst Atlantic storm in history – made landfall in Puerto Rico as a Category 4 storm on September 20, 2017.

The majority of the island’s state-owned, already fragile 2,400 miles of transmission lines, 30,000 miles of distribution lines and 342 substations were severely damaged in the storm, leaving 3.7 million residents without electricity.

Air-traffic-control systems were taken out. Agricultural crops and local fishery reefs were decimated. Roads and bridges were badly damaged, and over 470,000 houses were destroyed. A full 100 days after the storm, half of the population (or around 1.5 million people) still had no electricity. Six months later, 16 percent of the island (or almost 200,000 people) were still without electricity.

The Trump administration’s response to the Hurricane Maria disaster was terrible. The condescending behavior went far beyond Donald Trump throwing paper towels into a group of Puerto Ricans, an image that quickly became the face of the disaster.

A report from FEMA acknowledged many failures, among them: “FEMA entered the hurricane season with a force strength less than its target, resulting in staffing shortages across the incidents; field leaders reported some resultant inefficiency in program delivery; and while FEMA mobilized billions of dollars in commodities, the Agency experienced challenges in comprehensively tracking resources moving across multiple modes of transportation to Puerto Rico and the U.S. Virgin Islands due to staffing shortages and business process shortfalls.”

Politico reported:

“No two hurricanes are alike, and Harvey and Maria were vastly different storms that struck areas with vastly different financial, geographic and political situations. But a comparison of government statistics relating to the two recovery efforts strongly supports the views of disaster-recovery experts that

FEMA and the Trump administration exerted a faster, and initially greater, effort in Texas, even though the damage in Puerto Rico exceeded that in Houston.

Within six days of Hurricane Harvey, U.S. Northern Command had deployed 73 helicopters over Houston, which are critical for saving victims and delivering emergency supplies. It took at least three weeks after Maria before it had more than 70 helicopters flying above Puerto Rico. Nine days after the respective hurricanes, FEMA had approved \$141.8 million in individual assistance to Harvey victims, versus just \$6.2 million for Maria victims.

During the first nine days after Harvey, FEMA provided 5.1 million meals, 4.5 million liters of water and over 20,000 tarps to Houston; but in the same period, it delivered just 1.6 million meals, 2.8 million liters of water and roughly 5,000 tarps to Puerto Rico. Nine days after Harvey, the federal government had 30,000 personnel in the Houston region, compared with 10,000 at the same point after Maria. It took just 10 days for FEMA to approve permanent disaster work for Texas, compared with 43 days for Puerto Rico. Seventy-eight days after each hurricane, FEMA had approved 39 percent of federal applications for relief from victims of Harvey, versus 28 percent for Maria.”

On March 26, 2019, the Inspector General’s Office at the U.S. Department of Housing and Urban Development confirmed that their office was investigating whether there was any “interference” in the distribution of aid money to Puerto Rico.

That same day, Donald Trump solidified his own position when he told GOP allies that he opposed additional disaster aid for Puerto Rico. Senator Marco Rubio (R-FL) was in a meeting with Trump and recounted Trump saying that aid for Puerto Rico “is way out of proportion to what Texas and Florida and others have gotten.”

To complicate matters even further, in July 2019 two former officials of Governor Ricardo Rosselló’s administration were arrested for the misuse of federal funds.

Puerto Rico was in bad shape way before Hurricane Maria. Both the physical and public health infrastructures were crumbling, almost 58 percent of the children there lived in poverty, and the government was essentially bankrupt, driven largely by corruption and horrible financial mismanagement (since Puerto Rico is not a state, it did not have access to Chapter 9 of the U.S. Bankruptcy Code at the time). Puerto Rico had the worst drinking water quality of any U.S. state/territory, and there were several court orders demanding an end to sewage leaks from wastewater plants that violated the *Clean Water Act*.

Around 446,000 Puerto Ricans left for the mainland between 2005 and 2015, and the government had already announced the closing of 179 public schools due to the financial crisis.

By 2014, Puerto Rico had racked up \$72 billion in debt, due in large part to a long recession caused by the end of a manufacturing tax credit. In the end, and in exchange for granting Puerto Rico a legal remedy to restructure public debt, the U.S. Congress established the Financial Oversight and Management Board for Puerto Rico under the *Puerto Rico Oversight, Management and Economic Stability Act of 2016*.

The Board has seven members appointed by the U.S. President and one ex officio member chosen by the Governor of Puerto Rico. The Board is “tasked with working with the people and Government of Puerto Rico to create the necessary foundation for economic growth and to restore opportunity to the people of Puerto Rico.” Puerto Rico’s case was directed to proceed under a new federal law for insolvent territories called *Promesa*.

In March 2022, a deal reached through the bankruptcy process came into effect. The agreement is estimated to reduce Puerto Rico’s debt by around 80 percent and is expected to provide Puerto Rico a path to long-term financial stability. In fact, the Financial Oversight and Management Board thinks this deal will help the Puerto Rican economy grow by 0.05 percent every year for the next ten years.

There are other things we can all do to help! At least three additional steps are no-brainers....

- † Encourage businesses, nonprofits, NGOs, universities, and municipalities to support collaborative governance in Puerto Rico.
- † Strategically spend federal funds to wisely redesign and rebuild Puerto Rico's infrastructure including housing, electric, water and wastewater.
- † Do business in Puerto Rico!!

SOCIAL SECURITY

Social Security was created in 1935 and is the largest single program in the federal budget. Between its two components – Old-Age and Survivors Insurance (OASI) and Disability Insurance (DI) – Social Security pays over one trillion dollars in benefits to over 65 million Americans. Social Security is funded by tax revenues from two streams: payroll tax (96 percent) and income taxes on Social Security benefits.

When Social Security became law, the average life expectancy was 64, and age 65 was the earliest that Americans could receive their benefits. Today the average American lives until the age of 79.

According to the Social Security Administration, “In 1940, the life expectancy of a 65-year-old was almost 14 years; today it is just over 20 years. By 2035, the number of Americans 65 and older will increase from approximately 56 million today to over 78 million. There are currently 2.8 workers for each Social Security beneficiary. By 2035, there will be 2.3 covered workers for each beneficiary.”

Because of the aging of the population and the increase in economy-wide health costs, social security is also increasingly strained. The Congressional Budget Office (CBO) projects:

“The number of Social Security beneficiaries will rise from 64 million in 2019 to 97 million in 2049 and spending for the program will increase from 4.9 percent of GDP to 6.2 percent over that period. Those projections reflect the assumption that Social Security will continue to pay benefits as scheduled under current law, regardless of the status of the program’s trust funds.”

The U.S. Government Accountability Office (GAO) puts it even more bluntly:

“Put simply, Social Security programs now cost more than the government collects to fund them. Costs began to exceed

revenues for the Disability Insurance (DI) trust fund in 2005 and for the Old-Age and Survivors Insurance (OASI) trust fund in 2010. And the gap between costs and revenue for these programs is projected to continue, with the trust funds becoming depleted in the next few decades. Once this happens, the programs won't have sufficient income to pay full scheduled benefits."

The *2020 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds* found that "OASDI cost is projected to exceed total income starting in 2021, and the dollar level of the hypothetical combined trust fund reserves declines until reserves become depleted in 2035. Considered separately, the OASI Trust Fund reserves become depleted in 2034 and the DI Trust Fund reserves become depleted in 2065."

That sounds bad enough, but the Penn Wharton Budget Model (PWBM), a nonpartisan, research-based initiative at the Wharton School of the University of Pennsylvania, "projects that Social Security's financial condition is substantially worse than official Social Security Trustees estimates, which don't factor in how the future growth of debt reduces future growth of the payroll tax base." Their key points:

- † Since the major Social Security reforms were passed in 1983, Social Security Trustees have slowly reduced their projected Social Security trust fund exhaustion date from at least 2058 to 2034. Yet, Trustees' estimates don't incorporate how the nation's growing debt erodes the size of the future tax base.
- † Using a model that incorporates future macro-economic forces, PWBM projects that the Social Security trust fund depletes in 2032. More importantly, we project much larger future annual cash-flow shortfalls. Relative to the payroll tax base, we project a cash-flow shortfall in 2032 that is 36 percent larger than the Trustees' estimate for that year. By 2048, our projected cash-flow shortfall is 77 percent larger.

- † If Social Security shortfalls continue to contribute to the federal government's unified deficits, consistent with no changes in taxes or benefits, we project that the federal debt-to-GDP ratio will exceed 200 percent by 2048, a path that is not sustainable.

Uh-oh.

SOCIAL SECURITY PLAN OF ACTION

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

The recommendations below are directly from *The Moment of Truth: Report of the National Commission on Fiscal Responsibility and Reform's* comprehensive Social Security recommendations. This is a solid place to start.

- † Make the retirement benefit formula more progressive.
- † Reduce poverty by providing an enhanced minimum benefit for low-wage workers.
- † Enhance benefits for the very old and the long-time disabled.
- † Gradually increase early and full retirement ages, based on increases in life expectancy.

- † Give retirees more flexibility in claiming benefits and create a hardship exemption for those who cannot work beyond 62.
- † Gradually increase the taxable maximum to cover 90 percent of wages by 2060.
- † Adopt an improved measure of the Consumer Price Index (CPI).
- † Cover newly hired state and local workers after 2030.
- † Direct the Social Security Administration (SSA) to better inform future beneficiaries on retirement options.
- † Begin a broad dialogue on the importance of personal retirement savings.

TAX CODE

Read more about the Tax Code in Part One, Chapter Four.

The Moment of Truth: Report of the National Commission on Fiscal Responsibility and Reform said this about tax reform:

“Tax reform should lower tax rates, reduce the deficit, simplify the tax code, reduce the tax gap, and make America the best place to start a business and create jobs. Rather than tinker around the edges of the existing tax code, the Commission proposes fundamental and comprehensive tax reform that achieves these basic goals...”

- † Lower rates, broaden the base, and cut spending in the tax code. The current tax code is riddled with trillions of tax expenditures: backdoor spending hidden in the tax code. Tax reform must reduce the size and number of these tax expenditures and lower marginal tax rates for individuals and corporations – thereby simplifying the code, improving fairness, reducing the tax gap, and spurring economic growth. Simplifying the code will dramatically reduce the cost and burden of tax preparation and compliance for individuals and corporations.
- † Reduce the deficit. To escape our nation’s crushing debt and deficit problem, we must have shared sacrifice – and that means a portion of the savings from cutting tax expenditures must be dedicated to deficit reduction. At the same time, revenue cannot constantly increase as a share of the economy. Deficit reduction from tax reform will be accompanied by deficit reduction from spending cuts – which will come first.

- † Maintain or increase the progressiveness of the tax code. Though reducing the deficit will require shared sacrifice, those of us who are best off will need to contribute the most. Tax reform must continue to protect those who are most vulnerable, and eliminate tax loopholes favoring those who need help least.
- † Make America the best place to start a business and create jobs. The current tax code saps the competitiveness of U.S. companies. Tax reform should make the United States the best place for starting and building businesses. Additionally, the tax code should help U.S.-based multinationals compete abroad in active foreign operations and in acquiring foreign businesses.

TAX CODE PLAN OF ACTION

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

1787's first eight Tax Code recommendations borrow heavily from *The Moment of Truth*'s comprehensive tax reform recommendations.

- † Give the Middle Class a better break. Reduce the number of tax rates to three: 12 percent, 22 percent and 28 percent.
- † Increase the corporate tax rate to 25 percent. Eliminate all tax expenditures for businesses. Embrace a true territorial system.
- † Federal law says, "gross income means all income from whatever source derived." Capital gains and dividends should be taxed at ordinary income rates.

- † Eliminate all income tax expenditures except the Earned Income Tax Credit, Child Tax Credit, mortgage, health, and retirement benefits.
- † Eliminate all itemized deductions. All individuals take standard deductions.
- † Eliminate the Alternative Minimum Tax. It's too complicated and, with many of the other changes we are making, it is unnecessary.
- † Make interest taxable as income for newly-issued bonds.
- † Make a 12 percent non-refundable tax credit available to all taxpayers for charitable giving.

Additionally,

- † Require banks to provide an annual account statement for any customer with a taxable income of over \$500,000, much like the 1099 tax form that investment firms already provide their clients.
- † Implement the new *Family Leave* policy. This will be funded through an additional payroll tax, with employers and employees each contributing 0.25 percent of wages. However, workers can opt-in or opt-out.
- † Give the IRS the resources necessary to identify and investigate wealthy tax cheats (but not President Biden's plan).
- † Update U.S. Securities and Exchange Commission (SEC) rules governing stock buybacks to ensure that corporate executives use the correct incentives to create long-term value.
- † Move to pre-filled or pre-populated tax return forms.
- † Streamline the IRS to create a more agile culture. Address organizational design and management infrastructure.
- † Protect the Johnson Amendment. Strengthen the IRS' Exempt Organizations Division to keep political activity by charities and nonprofits in check.
- † Tax Shelters: Stop large-scale anonymous ownership by creating public registries of the real owners of companies and/or trusts.

TRADE

PLAN OF ACTION

Read more about Trade in Part One, Chapter Four.

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

THIS IS A TWO-PART PLAN:

1. Above All Else, Protect the American Worker
2. Take Full Advantage of the World Market

PART ONE: ABOVE ALL ELSE, PROTECT THE AMERICAN WORKER

- † Be realistic (and honest) about the 21st century job market.
- † Provide significant transitional assistance to workers displaced by advances in technology and/or globalization.
- † Revitalize U.S. manufacturing – by looking forward, not backward!
- † WAGES! WAGES! WAGES! We have to get wages up.
- † At high school graduation, be able to tackle higher education OR graduate with a marketable skill that can earn money the very next day.
- † Shift our focus from one-for-all education to a more personalized approach & redefine what "intelligence" actually means.
- † Provide relevant, world-class workforce training programs.

- † Offer all of the necessary ingredients for a successful job search. Use technology to connect workers with jobs.
- † Organize high-quality, highly accountable registered apprenticeships and mentor opportunities.
- † Support new small business owners and entrepreneurs.
- † Establish a publicly funded venture capital fund.

PART TWO: TAKE FULL ADVANTAGE OF THE WORLD MARKET

- † Pass legislation to limit presidential trade authority putting the power squarely with Congress where it constitutionally belongs.
- † Properly evaluate our trade deficit and develop a smart strategy. Begin by understanding what it actually is (which is not a scorecard).
- † Hold China responsible for distorting markets. Redesign the WTO to better handle complaints about unfair competition.
- † Reiterate our commitment to the WTO. Help modernize it regarding digital trade, intellectual property, and dispute resolutions.
- † Reengage in what was the Trans-Pacific Partnership (TPP), now called the Comprehensive and Progressive Trans-Pacific Partnership.
- † Reengage in – and complete – transparent negotiations for the Transatlantic Trade and Investment Partnership (TTIP).
- † Reiterate our commitment to our North American trading partners and the Central American Free Trade Agreement (CAFTA-DR).
- † Address currency manipulation through trade agreements.
- † Support the Export-Import Bank as an independent, self-sustaining federal agency.

SOCIAL ISSUES

ABORTION

“We forthwith acknowledge our awareness of the sensitive and emotional nature of the abortion controversy, of the vigorous opposing views, even among physicians, and of the deep and seemingly absolute convictions that the subject inspires. One’s philosophy, one’s experiences, one’s exposure to the raw edges of human existence, one’s religious training, one’s attitudes toward life and family and their values, and the moral standards one establishes and seeks to observe, are all likely to influence and to color one’s thinking and conclusions about abortion.”

– Supreme Court of the United States, *Roe v. Wade*

† 1787 believes the decision of abortion should be left to the individuals personally involved before the end of the first trimester (typically considered weeks 1 – 15).

Exceptions to this include: To prevent the death of the mother; to preserve the health of the mother; when the pregnancy is the result of rape or incest; and where the embryo or fetus has lethal anomalies incompatible with life.

Although, in medicine, “fetal viability” is the point at which a fetus can survive outside the womb (typically considered weeks 23 – 24), we believe this is way too far in a pregnancy to terminate. Opponents of this view argue that women may not realize they are even pregnant before the second trimester, but the facts don’t support this. Around 90 percent of all abortions generally occur within the first 12 weeks of gestation.

† This conversation must begin here: 1787 fights to empower women by ensuring them fair and equitable economic opportunities. It is impossible to separate economics from this issue. Women of color and women with family incomes less than 100 percent of the federal

poverty level have higher rates of abortion than do White women and those with higher incomes.

A National Academies of Sciences, Engineering, and Medicine study revealed that: 86 percent of women who have abortions are unmarried, 75 percent are poor or low-income, 72 percent are under age thirty, and 61 percent are women of color.

The *American Journal of Public Health* puts it this way: “Structural factors, including economic disadvantage, neighborhood characteristics, lack of access to family planning, and mistrust in the medical system underlie these findings. Research and policy that recognizes the importance of all aspects of women’s reproductive health – including pregnancy prevention, abortion care, pregnancy services, and economic supports – are essential to meeting the reproductive health care needs of low-SES (socioeconomic status) women and women of color.

This work must recognize that, although disparities are associated with differences in individual-level factors, these factors are constrained and produced by larger structural inequities, including racism and poverty, and by a legacy of coercive reproductive health policies.”

† 1787 supports protecting and improving health and social services for women. Being against abortion and, at the same time, being against organizations that provide health and social services for women – including contraception access – is absurd.

This is just common sense. If those against abortion truly want less abortions, then they need to support greater access to contraception. This concept should not be hard to understand. Forty-five percent (45%) of all pregnancies are unintended/unplanned. Of those, roughly 40 percent result in abortion.

Although Planned Parenthood, for example, does offer patient-funded abortion services (the *Hyde Amendment* already prohibits federal dollars being used to provide abortions, see more on this below), over 95 percent of their services involve family planning, health and sex education, and other life-saving services.

If organizations like Planned Parenthood are successfully defunded – by, for example, making the organization ineligible for any federal grants or preventing Medicaid patients from receiving care from them – the devastating results would disproportionately affect low-income areas and communities with limited health care options.

† 1787 supports providing appropriate sex education to teenagers. Often the same people who are adamantly against abortion are, at the same time, opposed to sex education in schools. This is yet again another thing that makes zero sense. There is tremendous power in prevention and education.

Unfortunately, the Trump administration disagreed. Donald Trump ended grants, in some cases two full years early, that were funded to find the best ways to administer teen pregnancy prevention programs. Some of these programs were successful, some weren't, but that was the entire point of the grants...to evaluate what works best. We must get these programs back, because pregnancy prevention programs helped lower the rate at which American teenagers had babies by almost 50 percent between 2007 and 2015.

† 1787 supports women having access to the safe and effective abortion and miscarriage drug mifepristone.

† 1787 supports the *Hyde Amendment*, the long-standing ban on the federal funding of most abortions. Exceptions to this include: To prevent the death of the mother; to preserve the health of the mother; when the pregnancy is the result of rape or incest; and where the embryo or fetus has lethal anomalies incompatible with life.

† Pursuant to the Tenth Amendment of the U.S. Constitution (“the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people”), 1787 supports the rights of states to adopt restrictions on abortion rights and access – but only in accordance with federal law.

AFFIRMATIVE ACTION

af·firm·a·tive ac·tion
/ə'fɜr·mə·tɪv 'æk·ʃən/

: the practice of improving the educational and job opportunities of members of groups that have not been treated fairly in the past because of their race, sex, etc.

Affirmative action was introduced in the United States at a time when racial justice was, quite literally, a Black and White issue.

The Fourteenth Amendment of the U.S. Constitution very clearly prohibits discrimination based on the color of someone's skin: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

But, in the early 1960's, America had a major problem. Because Black Americans had been enslaved and then excluded from government protections for decades, severe inequality was massive between the White and Black communities....to the point that the racial imbalance in colleges and universities was impossible to rectify without outside intervention.

Therefore, the original concept of affirmative action was presented as a form of reparations for Black Americans who emerged from slavery only to, for decades after, be denied equal rights under the law.

The term "affirmative action" first appeared in 1961, when President John F. Kennedy signed *Executive Order 10925*. The order said, in part: "In connection with the performance of work under this contract, the contractor agrees as follows: The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin."

This was followed by *Executive Order 11246*, signed by President Lyndon B. Johnson in 1965, which “prohibited discrimination in employment because of race, creed, color, or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each (federal) executive department and agency.”

President Johnson confirmed that affirmative action was conceived as a vehicle to right generational wrongs in 1965 when he said:

“The beginning is freedom; and the barriers to that freedom are tumbling down. Freedom is the right to share, share fully and equally, in American society...to vote, to hold a job, to enter a public place, to go to school. It is the right to be treated in every part of our national life as a person equal in dignity and promise to all others.

But freedom is not enough. You do not wipe away the scars of centuries by saying: Now you are free to go where you want, and do as you desire, and choose the leaders you please.

You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, ‘you are free to compete with all the others,’ and still justly believe that you have been completely fair.

Thus, it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates.”

Thirteen years later, the first affirmative action case was heard by the United States Supreme Court. In *Regents of the University of California v. Bakke* (1978), the Court ruled that, although racial quotas supported by government entities violate the *Civil Rights Act of 1964*, the use of race was acceptable as one of many admission criteria.

Twenty-five years later, in the case of *Grutter v. Bollinger* (2003), the U.S. Supreme Court upheld the affirmative action admissions policy of the University of Michigan Law School. At the time, the school used race as a factor in the admissions process because they believed race served as

a “compelling interest in achieving diversity among its student body” (the petitioner was a White student who was denied admission to the school).

The Highest Court decided that “in the context of its individualized inquiry into the possible diversity contributions of all applicants, the Law School’s race-conscious admissions program does not unduly harm non-minority applicants.” In this case, the Court found that, because the school looked at many other factors regarding each applicant, their admissions process did not violate the Court’s decision in *Regents of the University of California v. Bakke*.

In *Gratz v. Bollinger*, which was decided the same day and involved the same university, the Court ruled that the point system used by the university to determine admissions did not meet the standards of strict scrutiny (in this case, minority students automatically received 20 points in a 100-point system).

Although the Supreme Court validated affirmative action in *Grutter v. Bollinger*, in her written opinion for the Court, Justice Sandra Day O’Connor also expressed that “race-conscious admissions policies must be limited in time.”

Writing for the Court, Justice O’Connor pointed out that twenty-five years had passed since *Regents of the University of California v. Bakke* and that “we expect that twenty-five years from now, the use of racial preferences will no longer be necessary” – effectively setting a timeframe for the policy’s end (which is the year 2028). Throughout the years, many Supreme Court Justices have acknowledged this sunset provision as valid.

After *Grutter v. Bollinger*, the Supreme Court started the shift:

In 2007, the Court ruled on two cases – *Meredith v. Jefferson County Board of Education* and *Parents Involved in Community Schools v. Seattle School District No. 1*. The Court decided that public school systems can’t seek to maintain integration through measures that consider a student’s race. This is the case where Chief Justice John Roberts famously said, “The way to stop discrimination on the basis of race is to stop discriminating on the basis of race.”

Six years later, in the case of *Fisher v. University of Texas*, the Court found that the Equal Protection Clause of the Fourteenth Amendment

does allow for the consideration of race in undergraduate admissions decisions, but that admission policies must be “precisely tailored to serve a compelling governmental interest.” If a school fails to meet this standard, race may not be used as a factor for admission.

The Court also held that it was the responsibility of the lower court to confirm that the University’s admission policy met this standard, but that the lower court in question failed to conduct an appropriately strict and thorough examination of the policy.

In January 2022, the U.S. Supreme Court agreed to hear the case *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, along with one involving the University of North Carolina (*Students for Fair Admissions, Inc. v. University of North Carolina*). In late October 2022, the Court began to hear arguments on these cases.

In the Harvard case, a group of Asian American students claimed that, to make room for less qualified students of other races, Harvard discriminated against them by placing an admissions cap on the number of qualified Asian Americans granted admission to the school (in other words, the students alleged that Harvard favored Black and Hispanic applicants at the expense of Asian Americans, who, themselves, are also a minority group).

The internal data Harvard was forced to turn over because of the lawsuit seems to confirm this accusation. While Asian Americans rank higher than White applicants in Harvard’s admission model – in both academics and the quality of their extracurricular activities – the admission rates for these students are much lower. Think of it this way: If academics were the only factor in admissions, Asian Americans would constitute 43 percent of any given Harvard entering class. However, when other factors like personal qualities and demographics were included in the decision-making process, only 19 percent were admitted.

The Economist reported it this way: “Peter Arcidiacono, an economist at Duke University employed by the plaintiffs, built a statistical model of the effect of race on admissions. He estimates that a male, non-poor Asian-American applicant with the qualifications to have a 25 percent chance of admission to Harvard would have a 36 percent chance if he were White. If he were Hispanic, that would be 77 percent; if Black, it would rise to 95 percent. Damningly for Harvard, an internal report by

their own research arm, obtained during discovery, reached the same conclusions.”

To make the situation more complicated, Harvard’s propensity to admit “legacies” (i.e., relatives of former students) also skews their system: “Roughly 34 percent of legacy applicants are admitted – more than five times the rate of non-legacy applicants. This is tantamount to affirmative action for well-off White students. According to a survey of freshmen conducted by the *Harvard Crimson*, the college newspaper, 88 percent of legacy students come from families making more than \$125,000 a year.”

On June 29, 2023, the U.S. Supreme Court – in a 6-3 decision – found it unconstitutional to consider race in university admissions. < Note: In the majority opinion, the Court carved out military service academies due to the “potentially distinct interests that military academies may present.” In February 2024, the Court refused to halt the U.S. Military Academy at West Point’s race-conscious admissions policies. The U.S. Naval Academy, the U.S. Air Force Academy and the U.S. Coast Guard Academy also consider race in the admissions process. >

Understandably, the June 29th Supreme Court decision sent shockwaves through communities of color, who (again, understandably) felt the primary tool for ensuring diversity and racial justice had been suddenly taken away from them.

Many people remain adamant that, without a mechanism for allowing racial preferences, there is no guarantee that minority applicants will be appropriately represented.

Allow me to offer a different take. In the Supreme Court decision, Chief Justice John Roberts made clear that admission offices could still consider “an applicant’s discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise.” The only change, Roberts said, was that “the student must be treated based on his or her experiences as an individual – not on the basis of race.”

As I have made crystal clear throughout these books, in no way do I believe past wrongs for Black Americans have come even close to being remedied. In fact, significant, persistent educational achievement gaps prove beyond a shadow of a doubt they have most certainly not been.

That said, I have long believed that it is critical all our social policies appropriately evolve as we continue our arc toward justice. If they don't evolve, we run the risk of them becoming counter-productive for the very communities they were designed to help in the first place.

To that end, broadening our focus from race to include other race-neutral factors to promote diversity in the admissions process can be a positive move for everyone.

One idea is to assess a student's socioeconomic circumstance more thoroughly ...and remember, this still disproportionately benefits Black Americans because they unfortunately are still the ones who, in the words of Dr. Martin Luther King Jr., "form the vast majority of America's disadvantaged."

In his testimony as an expert witness in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, Richard Kahlenberg – a senior fellow at the Progressive Policy Institute, a nonresident scholar at Georgetown University's McCourt School of Public Policy, and a professorial lecturer at George Washington University's Trachtenberg School of Public Policy and Public Administration – said that "being economically disadvantaged in America poses seven times as large an obstacle to high student achievement as does race."

This is an incredibly important insight, especially given the fact that 71 percent of the Black and Latino students who attend Harvard are from wealthy backgrounds.

One of the main reasons we need to make this shift are those dang unintended consequences we're always talking about. As we well know, good intentions can have unintended consequences that can quickly become destructive. For example, as these latest court cases revealed, a major unintended consequence of the affirmative action process was that other minority college applicants were being discriminated against, Asian Americans in particular.

Moving from a focus on race to socioeconomic circumstances is in line with Dr. King's vision for our country. He was a fierce advocate of helping the disadvantaged of all races: "It is a simple matter of justice that America, in dealing creatively with the task of raising the Negro from backwardness, should also be rescuing a large stratum of the forgotten White poor."

Dr. King was also very aware of the resentments and potential backlash that could arise among the White working class if they felt ignored and forgotten: “It is my opinion that many White workers whose economic condition is not too far removed from the economic condition of his Black brother, will find it difficult to accept a ‘Negro Bill of Rights,’ which seeks to give special consideration to the Negro in the context of unemployment, joblessness, etc. and does not take into sufficient account of the White working classes’ plight.”

His words, as usual, were prophetic. Today, over half of White Americans say they believe “discrimination against White people exists in the U.S.” < It’s important to note here that, in the same poll, 84 percent of White Americans also reported to believe “discrimination exists against racial and ethnic minorities in America today.” However, another interesting point is that, even though over half of White Americans say discrimination against White Americans exists, very few report having experienced it firsthand. >

Making this shift can absolutely be done – and already has been. The University of California Berkeley and the University of California, Los Angeles (UCLA) both replaced their race-focused admissions process with one that focuses on students who are economically disadvantaged. Among many other things, Berkeley’s new system eliminated legacy preferences and increased transfers from community colleges.

As a result, in 2020 Berkeley had the most ethnically diverse freshman class in over thirty years. Thirty-one percent of the students came from underrepresented minorities, which was a sizable increase from twenty-two percent the year before.

There were more first-generation college students than ever before (i.e., students from families in which neither parent has a four-year college degree), and more Pell Grant recipients than there had been in the past (these grants are generally given to those in lower-income households).

In 2020, Berkeley gave the largest number of scholarships awarded through its African American Initiative (forty-four of these scholarships were given, compared to twelve the year before and twenty-eight the first year), and there was more ethnic diversity among students who received

the Regents' and Chancellor's Scholarship, Berkeley's most prestigious scholarship.

...and UCLA and Berkeley are not alone. Schools like the University of Washington and the University of Texas at Austin have also made significant headway in navigating more fairness and diversity in their admission process.

On a final note, machine-learning algorithms – which can generally make better decisions than humans when potential bias is an issue – can also be a big help in this endeavor. When reviewing bail decisions by judges, for example, researchers from Cornell University found that using machine-learning algorithms can “reduce crime by up to twenty-five percent with no change in jailing rates, or jail populations can be reduced by forty-two percent with no increase in crime rates.” No reason that something similar can't work for college admissions!

We need to remember that change is never easy, and this will be no exception. In 1996, a state law was passed that prohibited the University of California from using affirmative action in admissions. Michael V. Drake, the current president of UC, advises: “Expect a shock. We had to adapt. We're still chasing, but we've made progress.”

ASIAN AMERICAN AND PACIFIC ISLANDERS VIOLENCE

There is escalating violence toward Asian Americans and Pacific Islanders in the United States. A study by the Center for the Study of Hate & Extremism at California State University, San Bernardino, found that:

“Anti-Asian hate crime in 16 of America’s largest cities increased 149 percent in 2020 according to an analysis of official preliminary police data...with the first spike occurring in March and April amidst a rise in Covid cases and negative stereotyping of Asians relating to the pandemic.”

One Asian American woman from Marietta, Georgia told Stop AAPI Hate – a group comprised of the Asian Pacific Planning and Policy Council, Chinese for Affirmative Action, and the Asian American Studies Department of San Francisco State University that tracks and responds to incidents of hate, violence, harassment, discrimination, shunning, and child bullying against Asian Americans and Pacific Islanders in the United States – that she “was in line at the pharmacy when a woman approached me and sprayed Lysol all over me. She was yelling out, ‘You’re the infection. Go home. We don’t want you here.’ I was in shock and cried and left the building. No one came to my help.”

The group also revealed that, out of the 3,795 incidents reported to them between March 2020 and the end of February 2021, “verbal harassment (68.1 percent) and shunning (20.5 percent) (i.e., the deliberate avoidance of Asian Americans) make up the two largest proportions of the total incidents reported; physical assault (11.1 percent) comprises the third largest category of the total incidents; civil rights violations – e.g., workplace discrimination, refusal of service, and being barred from transportation – account for 8.5 percent of the total incidents; and online harassment makes up 6.8 percent of the total incidents.”

This is outrageous and cannot be tolerated. There are hate laws already on the books in 49 states and territories. We need to take advantage of these laws to their absolute limits. We also need to require states collect data on these crimes. Currently, 18 states that have hate crime laws do not require data collection. This is fundamental to our understanding how widespread this problem is and will help provide a roadmap for potential solutions.

CIVIL & HUMAN RIGHTS

- † 1787 believes deeply in civil rights and personal liberty.
- † Every adult citizen of the United States should have the freedom to make personal choices for his or her life and be responsible for those decisions. This belief does not mean that the leadership or any other member of 1787 necessarily approves or disapproves of other people's choices.
- † 1787 will fight to end discrimination in all forms – including discrimination based on race, sex, ethnicity or national origin, language, religion, sexual orientation, gender identity, age, or disability.
- † 1787 believes that government should not restrict personal relationships. Sexual orientation, preference, gender, or gender identity should not be a factor in issues such as marriage and equal federal rights, child custody, adoption, immigration, or military service laws.
- † 1787 supports the freedom to participate in – or abstain from – any religious activities that do not violate the rights of others. We adamantly oppose any government interaction that either promotes or attacks any specific religion.

EQUAL RIGHTS AMENDMENT/GENDER WAGE GAP

The *Equal Rights Amendment* (E.R.A.) was first passed by Congress in 1972 but, because it was ratified by only 35 states, failed to gain the states necessary for ratification by three.

Almost 40 years later, Nevada, Illinois and Virginia finally rounded out the 38 states needed for ratification. However, it will still take an act of Congress to decide if the legislation is enforceable since legislators missed the original 1979 deadline, then the extended 1982 deadline. Another wrinkle is that, throughout the years, five states voted to rescind their original ratifications.

The central focus of the E.R.A. is to ensure that “equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.”

I agree with that statement 1000%, but I’m unsure of why we need a constitutional amendment to make this point because it’s already addressed in the United States Constitution. The Fourteenth Amendment is very clear: “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

The United States Supreme Court has already litigated the point. In the case of *Reed v. Reed* – a case challenging an Idaho Probate Code that said “males must be preferred to females” in appointing administrators of estates – the U.S. Supreme Court ruled in an unanimous decision that “to give a mandatory preference to members of either sex over members of the other, merely to accomplish the elimination of hearings on the merits, is to make the very kind of arbitrary legislative choice forbidden by the *Equal Protection Clause* of the Fourteenth Amendment...the choice in this context may not lawfully be mandated solely on the basis of sex.”

This was followed by other cases such as *Frontiero v. Richardson*, a case argued by the late Supreme Court Justice Ruth Bader Ginsburg. In this case, the Supreme Court ruled that “dissimilar treatment for men and women who are similarly situated” is unconstitutional.

But beyond all of that, there are already targeted protections in place to protect women, including the *Violence Against Women Act*, *Title IX of the Education Amendments of 1972*, and the *Pregnancy Discrimination Act*. In my mind, it would be far more effective to strengthen these issue-specific laws instead of trying to pass something that crams every issue that remotely pertains to women into one amendment.

A final word about the pay disparity between men and women. The gender wage gap is something we must watch very carefully, but this too has already been addressed in the *Equal Pay Act of 1963*.

The good news is that the huge gender wage gap that has existed for decades is finally closing! According to the Pew Research Center, “In 1980, the average hourly wage of women was 67 percent of the average hourly wage of men, \$15 vs. \$23. By 2018, women earned 85 percent as much as men, \$22 vs. \$26, on average. Put another way, the gender wage gap narrowed from 33 cents to the dollar in 1980 to 15 cents to the dollar in 2018.”

Evolving job skills and higher levels of education are two factors that helped close the wage gap between men and women, and women are only going to continue to slay in both.

Moving forward, my recommendation is that we continue to focus our energy on factors like these instead of trying to get a new toothless constitutional amendment.

For one, history tells us that a fight over the E.R.A. (ironically) pits women against women – professional women who place a high value on their professional status and career trajectory, against working class women who embrace traditional gender roles within the nuclear family over practically everything else. The last thing this country needs right now is more division.

A final word to companies: As you already know, women are integral to your success on every level. It would strengthen your organization tremendously if you would implement a salary policy that is transparent and regularly conduct pay equity evaluations.

GUN SAFETY

This is a wedge issue, meaning
many people use it to divide us.

We Cannot Allow This!

It causes massive damage to our country
and prevents smart, sustainable solutions.

LET'S REFRAME THIS DEBATE.

This is a really tough one. It's tough because there are so many levels of emotion involved. It's tough because there are so many highly personal issues tangled up in the topic – everything from Constitutional rights to mental health to polar opposite lifestyles and traditions.

It's tough because people die. It's tough because the people who die have people who deeply love them. Innocent children get murdered in cold blood just for going to school. Innocent people in Las Vegas get murdered in cold blood just for going to listen to their favorite music. Innocent families get murdered in cold blood for shopping at Walmart on a beautiful Saturday morning. It's tough because we all want to get this right. It's tough because we *all* want these tragedies to end.

But here is where we must be really, really careful. For us to get this under control, the comprehensive strategy we design must be based on facts, not on emotion. After a murderer uses an assault rifle in a mass shooting, for example, it is understandable that the conversation turns to banning automatic assault weapons. After all, the shooter used an automatic assault weapon to kill these innocent men, women and children,

so it stands to reason that, without him having access to it, these people would still be alive.

BUT IS THAT ACTUALLY TRUE?

Would he have just used another kind of gun, or another type of weapon? It is impossible for emotions not to play a major role in this issue, but the danger of relying on emotional logic alone is that the chances increase that we make a quick judgement without understanding the complexity of the overall challenge. A solution that makes us feel better in the moment may not necessarily be the best solution for the long-term.

This trap gives us a false sense of security and makes us feel like we are making a difference when, in reality, we may not be. We can't make that mistake because the stakes are far too high.

LET'S BREAK THIS DOWN INTO TWO STEPS...

STEP ONE: WHAT WE KNOW

- † Between 2015 and 2022, there were 175 mass shootings where four or more people were shot and killed.
- † In at least 46 percent of mass shootings with four or more people killed, the shooter killed a current or former intimate partner or family member.... so, the killing was not random but very, very personal.

† In 32 percent of the mass shootings with four or more people killed, the shooter showed at least one warning sign before the shooting.

Now let's look at gun-related injuries in just one year.

† In 2021, 48,830 people died from gun-related injuries in the United States.

† Fifty-four percent – or 26,328 – of these deaths were suicides.

† So, that leaves 22,502 non-suicide gun-related deaths in 2021.

† In 2021, there were 27 mass shootings where four or more people were shot and killed. These mass shooting resulted in 136 deaths.

† Therefore, in 2021, the 136 people shot and killed in mass shootings where four or more people were shot and killed account for less than 0.06 percent of the 22,502 Americans who died of non-suicide gun related injuries.

STEP TWO: HOW WE AVOID THE TRAP

Please understand, I don't say any of this to diminish mass shootings in any way. My only point is that, while mass shootings dominate media coverage, they represent an extremely small part of shooting incidents, and that matters A LOT when you are putting forth national solutions like, say, banning assault weapons.

First, let me say that the Second Amendment is not absolute. In fact, it actually says, “a well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”

The word *regulate* is only in the U.S. Constitution three times, and the other two times involve commerce and money. Many gun enthusiasts seem to forget that the Second Amendment includes the words well regulated, which is made easier by the fact that the National Rifle Association (NRA) left these words completely out when they put the wording of the Second Amendment on the wall of their headquarters lobby.

In its ruling on the court case *District of Columbia v. Heller*, the U.S. Supreme Court said this:

“Like most rights, the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose: For example, concealed weapons prohibitions have been upheld under the Amendment or state analogues. The Court’s opinion should not be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms. The *United States v. Miller* holding that the sorts of weapons protected are those ‘in common use at the time’ finds support in the historical tradition of prohibiting the carrying of dangerous and unusual weapons.”

Since 2010, the U.S. Supreme Court declined to hear many Second Amendment cases, including New York’s Open Carry Law (2013), New Jersey’s Concealed Carry Law (2014), San Francisco’s Law on Handguns (2015), New York’s and Connecticut’s Gun Laws (2016), California’s

Concealed Carry Law (2017), Maryland's Assault Weapons Ban (2017), and California's Firearm Waiting Period (2018).

§§§

All that said, forget the Supreme Court cases, the NRA, the slippery slope, or national polls. There is only one reason 1787 does not currently support a federal ban on assault weapons: Simple math.

THERE ARE TWO MATHEMATICAL EQUATIONS AT WORK HERE:

The first equation is the current makeup of the United States Congress. An assault weapons ban simply does not have the votes to pass – regardless of the political party in power – and introducing one will make the other pieces of legislation we propose harder, if not impossible, to pass.

The second equation is this: *Who* kills *who*, and with *what*.

To solve this challenge, there are really only two questions to ask: Who pulled the trigger in each of these gun-related deaths, and how can we best take guns from *their* hands. Not *everyone's* hands – their hands.

This is a huge distinction that will be the ultimate difference between success and failure. There are already well over 393,300,000 civilian-held legal and illicit firearms in the United States, and it's estimated that at least twenty million of them are assault weapons. That is over 120 firearms for every 100 people in this country, the highest gun ownership rate in the entire world *by far* – which makes getting these guns off the streets virtually impossible anyway.

The time for action on assault weapons was in 2004 with a renewal of the *Federal Assault Weapons Ban* (AWB) but, because Congress did not renew it, they ensured that ship has sailed.

< Note: The data regarding the effectiveness of a ban on large-capacity magazines (LCMs) and assault weapons, particularly Bill Clinton's loophole-ridden 1994 law, are mixed. There are studies from the Justice Department, Johns Hopkins University, Northeastern University, George Mason University, Columbia University, New York University, Quinnipiac University, and even the Minnesota Department of Corrections, among others. In the end, it does seem like Clinton's ban resulted in a modest drop in mass killings, but certainly nothing earth shattering. >

It seems to me that the reality of the situation is this: In our current, highly heated political environment, if your strategy is to take guns away from law-abiding citizens, I think it's highly likely you may lose.

Listen, I'm not afraid of a fight. If I honestly thought banning assault weapons was the best solution, I would fight like hell to make it happen. But it's just not the most effective way to solve this problem, and the unnecessary battle is going to eclipse everything else we try to do in the name of gun safety.

We need to put points on the board right away! Therefore, we cannot get sidetracked on this issue because the stakes are far too high.

Now, let's get to the things that we can make work!

GUN SAFETY PLAN OF ACTION

LEGISLATION + ACCOUNTABILITY + ENFORCEMENT + MENTAL HEALTH

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

GUN SAFETY: LEGISLATION

- † 1787 does not currently support a federal ban on semi-automatic weapons.
- † Make gun trafficking a federal crime.
- † Adjust for inflation the \$200 “making and transfer tax” in the *National Firearms Act of 1934*, but just for semi-automatic weapons.
- † 1787 supports the removal of the Tiahrt Amendments that are continually attached to U.S. Department of Justice appropriations bills.
- † 1787 supports a state’s right to pass concealed-carry laws. But states should not be forced to comply with concealed-carry reciprocity (concealed-carry reciprocity means that a concealed carry permit or license is valid beyond the state that issued it, and the rights between states are reciprocated).
- † Regulate ghost guns. These increasingly popular weapons are easy to get, easy to assemble, currently untraceable, and lethal.

GUN SAFETY: ACCOUNTABILITY

- † Ensure that the National Instant Criminal Background Check System (NICS) is fully up-to-date, and that the government agencies responsible for forwarding information do so without delay.

- † 1787 supports universal background checks on anyone who buys a gun or ammunition, to include gun shows and Internet purchases.
- † 1787 believes a license and/or permit should be required to buy, own, possess, or carry a firearm. The minimum age for assault weapons should be 21.
- † After a gun is purchased, 1787 supports a mandatory waiting period of three (3) days before it can be taken from the merchant's premises.
- † 1787 supports a federal law that requires individual gun owners to report the loss or theft of a firearm to law enforcement.
- † 1787 believes that gun owners should face charges if their weapons are not stored safely around children.
- † The *Gun Control Act of 1968*, as amended, establishes the following categories of persons who are prohibited from receiving or possessing a firearm: Any person who...
 - † Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.
 - † Is a fugitive from justice.
 - † Is an unlawful user of or addicted to any controlled substance.
 - † Has been adjudicated as a mental defective or who has been committed to a mental institution.
 - † Is an illegal or unlawful alien or a non-immigrant alien (with certain exceptions).
 - † Has been discharged from the Armed Forces under dishonorable conditions.
 - † Having been a citizen of the United States, has renounced his citizenship.
 - † Is subject to a domestic violence protection order that meets certain requirements.
 - † Has been convicted in any court of a misdemeanor crime of domestic violence.

- † Is under indictment for or has been charged with a crime punishable by imprisonment for a term exceeding one year.

1787 believes we should also include the following: Any person who...

- † Is considered to be a “known or suspected terrorist” by the FBI (to include all no-fly and watch lists).
- † Has been convicted of violent misdemeanors.
- † Has been convicted of stalking another person.
- † Has been reported as a dangerous threat by a mental health professional.

GUN SAFETY: ENFORCEMENT

- † Create Comprehensive Targeted Violence Prevention Plans for schools instead of focusing on just hardening school facilities.
- † 1787 supports increased and properly enforced punishments for people found possessing firearms illegally.
- † 1787 supports harsh and properly enforced punishments for rogue gun-dealers/straw purchasers.
- † Leave law enforcement to the professionals. Do not arm teachers, under any circumstance.

GUN SAFETY: MENTAL HEALTH

An alarmingly high percentage of American gun deaths are suicides. The U.S. gun suicide rate is eight times that of other high-income countries.

- † We must take a comprehensive public health approach to protect our children, focusing on school climate and mental health services.
- † 1787 supports “red flag” laws that temporarily confiscate guns from individuals who appear to be a danger to themselves or others.
- † 1787 supports expanded screening and treatment for mental illness. Mental health is an issue that extends far beyond the topic of guns.

LEGALIZING MARIJUANA

1787 SUPPORTS:

† The rights of states to legalize marijuana under the Tenth Amendment: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.”

† A federal law for cannabis similar to the *Family Smoking Prevention and Tobacco Control Act*. This legislation gave the U.S. Food and Drug Administration (FDA) authority to regulate the manufacture, distribution, and marketing of tobacco products. The law restricts tobacco marketing and sales to youth (which includes vending machine sales except in adult-only facilities, tobacco-brand sponsorships of sports and entertainment events or other social or cultural events, and free giveaways of sample cigarettes and brand-name non-tobacco promotional items); requires smokeless tobacco product warning labels; ensures “modified risk” claims are supported by scientific evidence; and requires disclosure of ingredients in tobacco products.

The law also requires tobacco company owners and operators to register annually and open their manufacturing and processing facilities to be subject to inspection by the FDA every two years; allows the FDA to implement standards for tobacco products to protect public health (for example, the FDA has the authority to regulate nicotine and ingredient levels); bans cigarettes with characterizing flavors, except menthol and tobacco; and funds FDA regulation of tobacco products through a user fee on the manufacturers of certain tobacco products sold in the United States, based on their U.S. market share.

† A minimum age of no younger than 25. This is super important – see the facts below.

† The end of mass criminalization and incarceration of non-violent drug offenders at both the state and federal levels. See *New Beginnings*, 1787’s criminal justice reform initiative, in Part Two of this book series).

Done correctly, legalizing marijuana should...

† Allow Us To Better Regulate and Control It

With proper regulation, we can monitor quality and safety and make it much harder for kids to get their hands on it. This may seem counterintuitive – wouldn’t kids have better access if marijuana were legalized and, therefore, more publicly available? – but that’s not necessarily true. It’s already readily available to kids.

The Department of Health and Human Services reports that 39 percent of high school students say they have used marijuana one or more times, and the University of Michigan reports that 80 percent of 12th graders say it is already easy for them to get marijuana if they wanted some. The positive news is that the number of kids who approve of marijuana has declined some since 2007 or 2008, and disapproval of regular use “still remains quite high with 81 percent, 70 percent, and 65 percent in 8th, 10th, and 12th grades, respectively.”

However, regulating and controlling marijuana only works if the states that legalize marijuana have a sustainable strategy. In California, where recreational marijuana officially became legal in January 2018, the legalization rollout has been less than impressive. Government officials had predicted the state would enjoy at least \$185 million from excise and cultivation taxes in the first six months of 2018, but the actual number was just \$82 million. This missed financial forecast seems to suggest that there is still a flourishing black market in California, which is a problem because one of the most effective arguments for legalizing marijuana is that it will diminish illegal markets (see #2 below).

Of course, this is not necessarily California’s fault alone. After all, it will surely be an uphill battle to get marijuana farmers – who have

operated for years without taxes and regulation – to comply with new, more restricting rules. For one, it makes it much more expensive to grow their product. Add to that the fact that many areas in California have banned commercial marijuana shops and/or added additional taxes, which creates a natural deterrent for coming out of the shadows. We’ll keep our eye on this....

† Reduce “Street Justice” and Ensure Old-School Drug Dealers Lose a Heck of a Lot of Business

If you believe Economics 101, legalization should mean lower prices because of supply and demand. Following that logic, related crimes and “street justice” should be reduced, and old-school drug dealers should lose a heck of a lot of business.

That said, the same caveat from #1 about states having a sustainable strategy holds here too...probably more so.

† Relieve Our Criminal Justice System of Non-Violent, Low-Level Drug Cases

Our courts and prisons are overrun with non-violent, low-level drug cases, a course of action that is ineffective, unfair and unsustainable. According to the *World Prison Brief*, the United States has the highest prison population rate – meaning, the number of prisoners per 100,000 of the national population – in the entire world. Over 46 percent of the inmates are serving time for drug offenses.

The U.S. Bureau of Justice Statistics estimates that keeping people locked up costs Americans over \$80 billion every single year. However, studies that consider all of the stakeholders involved, including the families of inmates, reveal that number is way low.

One study by the nonpartisan nonprofit Prison Policy Initiative finds that mass incarceration costs more like \$182 billion a year, with a cost of \$2.9 billion for the families of inmates. These costs to the family

include \$1.3 billion for telephone calls (specialized phone companies charge up to \$24.95 for a 15-minute phone call) and \$1.6 billion for commissary vendors who sell things to inmates. Of course, this doesn't include the opportunity cost of lost household income, which is massive. Read more about this in *New Beginnings*, 1787's criminal justice reform initiative, in Part Two of this book series.

† Provide Effective Treatments for Chronic Pain in Adults

There is “conclusive or substantial evidence that cannabis or cannabinoids are effective for the treatment for chronic pain in adults.”

A study from the National Academies of Sciences, Engineering and Medicine found “evidence to support that patients who were treated with cannabis or cannabinoids were more likely to experience a significant reduction in pain symptoms.”

This is great news because it gives hope that marijuana can help reduce America's dependence on opiate painkillers, which are incredibly addictive and easily fatal. However, the bottom line to all of this is that we need more, time-extensive research. Here's why...

A study released in 2014 concluded: “Medical cannabis laws are associated with significantly lower state-level opioid overdose mortality rates. Further investigation is required to determine how medical cannabis laws may interact with policies aimed at preventing opioid analgesic overdose.” Well, you'll be glad to know that further investigation was indeed conducted, and the new analysis revealed:

“Medical cannabis has been touted as a solution to the U.S. opioid overdose crisis since a study < the one above > found that from 1999 to 2010 states with medical cannabis laws experienced slower increases in opioid analgesic overdose mortality.

That research received substantial attention in the scientific literature and popular press and served as a talking point for the cannabis industry and its advocates, despite caveats from the

authors and others to exercise caution when using ecological correlations to draw causal, individual-level conclusions. In this study, we used the same methods to extend the earlier analysis through 2017.

Not only did findings from the original analysis not hold over the longer period, but the association between state medical cannabis laws and opioid overdose mortality reversed direction from – 21 percent to +23 percent and remained positive after accounting for recreational cannabis laws. We also uncovered no evidence that either broader (recreational) or more restrictive (low-tetrahydrocannabinol) cannabis laws were associated with changes in opioid overdose mortality.

We find it unlikely that medical cannabis – used by about 2.5 percent of the U.S. population – has exerted large conflicting effects on opioid overdose mortality. A more plausible interpretation is that this association is spurious. Moreover, if such relationships do exist, they cannot be rigorously discerned with aggregate data. Research into therapeutic potential of cannabis should continue, but the claim that enacting medical cannabis laws will reduce opioid overdose death should be met with skepticism.”

This demonstrates how difficult it is to assess the health effects of marijuana because there is still no definitive research on the matter. The study from the National Academies of Sciences, Engineering and Medicine mentioned earlier says that “evidence regarding the short- and long-term health effects of cannabis use remains elusive.”

They continue:

“While a myriad of studies have examined cannabis use in all its various forms, often these research conclusions are not appropriately synthesized, translated for, or communicated to policy makers, health care providers, state health officials, or other stakeholders who have been charged with influencing and enacting policies, procedures, and laws related to cannabis use.

Unlike other controlled substances such as alcohol or tobacco, no accepted standards for safe use or appropriate dose are available to help guide individuals as they make choices regarding the issues of if, when, where, and how to use cannabis safely and, in regard to therapeutic uses, effectively.”

1787’S RATIONALE FOR LEGALIZING MARIJUANA:

In my mind, legalizing marijuana has zero to do with increasing tax revenue – although it seems to be working out well financially for many states – because the health and safety of Americans should never be jeopardized for a profit. To that end, I still have serious concerns about the potential dangers of marijuana, especially for teenagers.

A 2017 report from the National Academies of Sciences, Engineering, and Medicine reveals that, although cannabis use “does not appear to increase the likelihood of developing depression, anxiety, and post-traumatic stress disorder,” there is an association between cannabis use and the development of schizophrenia and other psychoses. Plus, “heavy cannabis users are more likely to report thoughts of suicide than are nonusers” and “regular cannabis use is likely to increase the risk for developing social anxiety disorder.”

Another study found that “increasing self-exposure to non-medical cannabis...was a predictor of greater odds of opioid dependence diagnosis.”

One major consideration is that today’s marijuana is much more potent than in the past. From the National Institute of Drug Abuse:

“Marijuana potency has steadily increased over the past few decades. In the early 1990s, the average THC content in confiscated cannabis samples was roughly 3.7 percent for marijuana and 7.5 percent for sinsemilla (a higher potency marijuana from specially tended female plants). In 2013, it was 9.6 percent for marijuana and 16 percent for sinsemilla. Also, newly popular methods of smoking or eating THC-rich hash oil

extracted from the marijuana plant (a practice called 'dabbing') may deliver very high levels of THC to the user. The average marijuana extract contains over 50 percent THC, with some samples exceeding 80 percent.”

The bottom line is we need more research. 1787 supports the National Academies of Sciences, Engineering and Medicine report’s four recommendations to improve the cannabis research agenda:

- † To develop a comprehensive evidence base on the short- and long-term health effects of cannabis use (both harmful and beneficial effects), public agencies, philanthropic and professional organizations, private companies, and clinical and public health research groups should provide funding and support for a national cannabis research agenda that addresses key gaps in the evidence base.
- † To promote the development of conclusive evidence on the short- and long-term health effects of cannabis use (both harmful and beneficial effects), agencies of the U.S. Department of Health and Human Services, including the National Institutes of Health and the Centers for Disease Control and Prevention, should jointly fund a workshop to develop a set of research standards and benchmarks to guide and ensure the production of high-quality cannabis research.
- † To ensure that sufficient data are available to inform research on the short- and long-term health effects of cannabis use (both harmful and beneficial effects), the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the Association of State and Territorial Health Officials, the National Association of County and City Health Officials, the Association of Public Health Laboratories, and state and local public health departments should fund and support improvements to federal public health surveillance systems and state-based public health surveillance efforts.

† The Centers for Disease Control and Prevention, National Institutes of Health, U.S. Food and Drug Administration, industry groups, and nongovernmental organizations should fund the convening of a committee of experts tasked to produce an objective and evidence-based report that fully characterizes the impacts of regulatory barriers to cannabis research and that proposes strategies for supporting development of the resources and infrastructure necessary to conduct a comprehensive cannabis research agenda.

Our main concern centers around the effects of marijuana on the teenage brain. According to *The Washington Post*, “In the Denver area, visits to Children’s Hospital Colorado facilities for treatment of cyclic vomiting, paranoia, psychosis and other acute cannabis-related symptoms jumped to 777 in 2015, from 161 in 2005.”

This concern for teenagers is deepened by the fact that the scientific community is only now realizing results from their long-term studies of marijuana use. These studies have already discovered that, not only does “early adolescent substance use dramatically increases the risk of lifelong substance use disorder,” but also that “marijuana abusers show lower positive and higher negative emotionality scores than controls, which is consistent, on one hand, with lower reward sensitivity and motivation and, on the other hand, with increased stress reactivity and irritability.” Which is the last thing teenagers need.

One study “recorded clear and consistent associations and dose-response relations between the frequency of adolescent cannabis use and all adverse young adult outcomes. Compared with individuals who had never used cannabis, those who were daily users before age seventeen years had clear reductions in the odds of high-school completion and degree attainment, and substantially increased odds of later cannabis dependence, use of other illicit drugs, and suicide attempts.”

Teenagers who smoke weed on a daily basis are 60 percent less likely to complete high school and seven times more likely to attempt suicide than those kids who never use marijuana. Another study suggests that the future children of kids who smoke weed may have a higher risk for mental illness and addiction, even though they are years away from even being born.

A study released in October 2018 by the *American Journal of Psychology* revealed that marijuana is more damaging to the teen brain than alcohol: “Cannabis use, but not alcohol consumption, showed lagged effects on inhibitory control and working memory and concurrent effects on delayed memory recall and perceptual reasoning (with some evidence of developmental sensitivity). Beyond the role of cognition in vulnerability to substance use, the concurrent and lasting effects of adolescent cannabis use can be observed on important cognitive functions and appear to be more pronounced than those observed for alcohol.”

But this is a challenge we must tackle whether we legalize marijuana or not because, as was noted earlier, kids can easily get it anyway. Both the *Empower Society* and *America’s Best Chance* have drug-specific prevention programs. You can read more about both of these programs in Part Two of this book series.

MENTAL HEALTH PLAN OF ACTION

Read more about Mental Health in Part One, Chapter Three.

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

- † Establish programs that address “the poverty of isolation,” and ones that establish positive human connection.
- † Enforce the *Mental Health Parity and Addiction Equity Act of 2008*.
- † We must take a comprehensive public health approach to protect our children, focusing on school climate and mental health services.
- † Have a zero-tolerance policy toward cyberbullying. Prosecute abusers to the fullest extent of the law.
- † 1787 supports “red flag” laws that temporarily confiscate guns from individuals who appear to be a danger to themselves or others.
- † 1787 supports expanded screening for mental illness in regard to gun purchases.

MUSLIMS IN AMERICA

Have you ever received that email with the subject line “*Why do Muslims want to kill us?*” I reckon I received it – the first time of many – around 18 years ago. This terribly frightening email outlines all the torturous ways millions upon millions of angry, out-of-control Muslims want to kill all of us extremely hated Americans.

Just so you know from the get-go where I stand on this, let me be crystal clear: I find this false, inflammatory rhetoric to be not only repulsive, but extremely dangerous. And, might I add, more than a little lazy.

I mean, the email doesn’t even bother telling me *why* or even *how* these crazies plan to kill me. Am I going to walk to my car and just get my head chopped off one day? Are they going to parachute down in black ninja outfits and just start throwing grenades and Chinese Stars at us? Are they going to shoot automatic rifles into my school, church, or when I’m shopping at Walmart? (no, never mind, White American men are the ones who usually do that)

At the risk of stating the obvious, there are people in this country who try their best to further divide our nation – and advance their highly self-serving agendas – by throwing rhetorical Molotov cocktails of anger, blame and fear.

This has been going on for years, but it has now reached critical mass. These flame-throwers want to convince us that we should deeply fear people who happen to speak, dress, worship or look different than we do. This false narrative and incendiary manipulation must be stopped at once.

Specifically, the disrespect the Muslim-American community was shown during the Trump Administration is absolutely horrifying. From the Muslim bans...to Donald Trump’s tweets that included anti-Muslim videos from a far-right British political group...to his saying the 100% false statement that “when the World Trade Center came tumbling down, and I watched in Jersey City, New Jersey, where thousands and thousands of people were cheering as that building was coming down”...to his saying that he would “strongly consider” shutting down mosques after

the Paris terrorist attacks...to the treatment of Khizr and Ghazala Khan who lost their son, a U.S. soldier, in a car bomb in Iraq – American Muslims were disrespected in shocking and unacceptable ways.

These are not harmless games being played. What in the past may have been dismissed as *politics as usual* has become truly dangerous.

There is no question that there are radicals in Islam; there are terrorists; there are full-blown nut jobs. I have seen firsthand the destruction being committed in the name of Islam – the extensive oppression of females, young girls being subjected to genital mutilation, and warlords in Africa who pillage, rape, and murder in the name of their religion.

But to suggest that this small percentage of horrendous behavior extends to the entirety of the Islamic faith is just flat wrong. Far more often, I have seen incredibly brave people who have put their lives at risk to fight oppression, educate females, condemn genital mutilation, and protect rape victims and orphans. These are wonderful people and they don't deserve this.

Equally upsetting is the damage this propaganda does to our troops who continue to serve so honorably in the Middle East. I can only imagine their bewilderment and disappointment as they watch this madness play out stateside, while they endure sandstorms and gunfire to be our faithful ambassadors of democracy and freedom.

This irresponsible narrative is a disgrace not only because it's incredibly prejudice and hateful, but it simply makes no sense. I get that world events seem super scary, but use your own B.S. Meter to determine if the *all Muslims are the enemy* assumption is actually valid on any level. After all, there are an estimated 3.45 million Muslims of all ages living in America, but very, very few violent incidents involving Muslim-American extremists.

Analysis sponsored by the Triangle Center on Terrorism and Homeland Security at Duke University revealed that,

“Muslim-American extremists caused no fatalities in 2020. The total number of fatalities in the United States from Muslim-American violent extremism since 9/11 remained at 141. Over this same period, there have been more than 309,000 murders in

the United States. In other words, the number of fatalities caused by acts of violent extremism by Muslim-Americans in 19 years is about the same as the number of murders that take place every three days in the United States. In 2020 alone, 179 Americans were killed in mass killings according to the federal definition of mass killing as incidents involving three or more fatalities.

Islamic extremism played almost no role in the considerable unrest that the United States experienced in 2020: protests for racial justice; protests against public health measures, including a plot to kidnap the governor of Michigan; protests leading up to and following the elections in November; and a vehicle suicide bombing in Nashville in December, whose motivation remains unknown.”

Globally, there are over 1.8 billion Muslims. That is 24 percent of the world population. That’s a lot of people, but we only seem to have a real problem with one or two regions. One of the regions, by the way, where we have been engaged on-and-off in war for almost three decades.

Listen up everyone: As our nation knows from being a participant in centuries of wars, a war by definition is going to involve enemies who aim to kill their enemy. See, the funny thing about war is it cuts both ways.

Is it scary? Absolutely, but it’s not rocket science.

I have been to many countries since 9/11 – including many with a majority of Muslim people – and I have never been treated with anything but the utmost honor and respect. Not once. I tell people this and they often suggest it’s because I am a blonde woman traveling alone, but that is simply not the case. In many ways, I encapsulate the very traits they supposedly hate.

Certainly, there are parts of the world that seriously question our foreign policy and even angrily denounce it. And clearly there are extremists who are super ticked off and act accordingly. But it’s a colossal mistake – and a major impediment to our future relationships

within the international arena – to believe a few radical terrorists are representative of the entire Muslim population.

This matters, both domestically and internationally. For one, we desperately need the trust of our fellow Americans as they help us fight homegrown violent extremists and terrorists abroad, and they already help tremendously with this effort every day.

Many Afghan and Iraqi Americans, for example, have graciously assisted our military with language translation skills and by providing cultural knowledge as civilians. Plus, there are 5,896 self-identified Muslims who currently serve in the military (this number is probably much higher since 400,000 service members elect to not self-report their faith).

On a global scale, the crushing consequence of assuming *all Muslims are the enemy* extends far beyond our Middle Eastern strategy. Left unchecked, Americans – feeling misunderstood by the international community – will increasingly turn inward in an era that demands the exact opposite.

Delighted by the chance to manipulate their vulnerable prey, politicians will pounce on the opportunity to turn momentary perception into counterproductive, permanent policy, in turn threatening logical debate on other global endeavors like trade and immigration.

Misperceptions like these are yet another thing that make us feel isolated and hopeless. When Americans begin to believe these perversions of the truth, it triggers another misaligned, self-fulfilling prophecy and one more U.S. policy begins to circle the drain. Enough.

THE THREE ABRAHAMIC RELIGIONS

Source: Taken Directly from
Three Faiths, New York Public Library

The three Abrahamic religions – Judaism, Christianity, and Islam – can be defined in great measure by several basic commonalities.

Among the most important are:

MONOTHEISM

Jews, Christians, and Muslims share a belief in the same one true God, whom they call by different names. An innovation of the patriarch Abraham, this radical new belief in a single Divine Being flew in the face of the religions of antiquity with their plethora of gods, each imbued with a particular attribute, purpose, and power.

ABRAHAM

The great forebear of each of these faiths is Abraham, an itinerant herdsman who lived some 3,700 years ago in the Middle East and embraced and promulgated his belief in a single deity. Abraham is considered variously as Patriarch, Man of Faith, and Prophet by Jews, Christians, and Muslims, all of whom regard themselves as his physical heirs or spiritual descendants.

REVELATION

Each of the three faith communities believes that God's presence has been directly revealed at various points in time to selected individuals or groups. Though always emanating from God, revelation may be channeled through celestial messengers such as angels or through the agency of humans who have been divinely endowed with prophecy.

SCRIPTURES

Each faith community also preserves a canonical, or fixed, written text, believed to have been dictated by God or divinely communicated to human authors. These texts comprise a record of the beliefs and early history of each faith tradition and provide adherents with guidance and inspiration. Collectively, these sacred Scriptures are unequivocally the most widely disseminated and influential texts ever recorded.

§§§

Unlike the multiplicity of gods of ancient religions, tangibly represented by idols of wood, clay, or stone, the one God of Abraham was unseen and in fact unseeable. With a leap of faith unknown in his time, Abraham embraced the belief in a single God, and in so doing entered into a covenantal relationship.

In exchange for his faith and obedience, God promised Abraham that his descendants would be as numerous "as the stars of the heaven, and as the sand on the seashore" (Genesis 22:17). In what many see as fulfillment of the biblical pledge, adherents of the Abrahamic faith traditions today number nearly four billion people, more than half the population of the entire world. Abraham represents only a single example of revelation, however. For each of the Abrahamic faiths, another distinctive revelatory experience, inextricably linked to a single seminal

figure, would pave the way for the growth and the differentiation of each faith tradition.

ABRAHAM

For Jews, Abraham is the first of the Patriarchs, a direct ancestor of the “Children of Israel” in the Hebrew Bible and of the Jewish People to the present day.

Christians trace the family tree of Jesus back to Abraham through both Mary and Joseph, while Muslims trace the lineage of the Prophet Muhammad through Abraham’s eldest son, Ishmael.

Though the importance of physical descent from Abraham is emphasized only in Judaism, it is the spiritual legacy of Abraham’s righteousness, and specifically his promulgation of the belief in one God, that cause him to be held in such high esteem in all three faith traditions.

MOSES

For Jews, he is Moshe Rabbeinu (Moses, our Teacher), the great lawgiver, who, according to the biblical text, led his people out of bondage in Egypt and to the very portal of the Promised Land. It was to Moses on Mount Sinai that God gave the Torah, the great collection of divine commandments and regulations.

For Christians, the New Testament presents Moses as one of the prototypes of Jesus.

For Muslims, he is the great Prophet and Messenger Musa, and in the Qur’an he is the most obvious prophetic precursor of Muhammad. Moses is mentioned in the Hebrew Bible and in the Qur’an more than any other person. The chronology presented by the biblical account indicates that Moses lived in the 13th–12th centuries BCE (Before the Common Era).

JESUS

For Christians, this Jewish preacher from Nazareth was the Messiah, the fulfillment of the biblical prophecies that heralded the arrival of an Anointed One (Mashiah, Christos) who would bring salvation to Israel. The New Testament accounts of his miraculous birth, the numerous miracles he performed, and his crucifixion by the Romans and subsequent resurrection further demonstrated to his followers Jesus' divine status as the Son of God.

For Muslims, he is 'Isa, born through a miraculous conception to the virgin Maryam (the only woman named in the Qur'an), and the last great Messenger and Prophet before the birth of Muhammad. Judaism recognizes none of the prophetic, messianic, or divine attributes afforded Jesus by Christianity and Islam.

For Jews, Yeshu is most often seen as a first-century CE Galilean teacher-preacher, a dissident interpreter of Jewish law, and the central figure around whom the nascent Jewish sect of Christianity was formed after his death.

MUHAMMAD

For Muslims, Muhammad, born in Mecca in Arabia about the year 570 CE, is the last and greatest of the series of messengers sent by God to humankind. According to the Qur'an, it was Muhammad who, at the command of the angel Gabriel, began to recite to his fellow Meccans the messages transmitted by the angel directly from God. He and his early followers emigrated from Mecca to Medina in 622 CE, the initial year of the Islamic calendar. For the next decade, until his death, Muhammad continued to communicate the divinely-originated revelatory messages that would one day constitute the Qur'an.

The Jewish and Christian theological traditions were both firmly established by the time of Muhammad's revelation. Therefore, neither tradition explicitly acknowledges Muhammad's status as a prophet, though he is recognized by both as the founder of the final Abrahamic monotheistic faith tradition.

THE SCRIPTURES

The God of Abraham was perceived through divine revelation, the accounts of which comprise the written Scriptures of each faith and likewise serve for each as a record of its sacred history. Scriptures of the three Abrahamic faiths generally began as orally transmitted accounts. Over time, these oral accounts and memories were written down, and sometimes combined and re-edited. They finally evolved into fixed texts.

Early Jewish and Christian texts were written by hand on scrolls, sheets of prepared animal skins sewn together to form a textual unit. During the early centuries of the Common Era, Christian communities developed the codex or book form, which was more conducive to textual comparisons and easier to carry.

The codex form was later adopted by Jews and Muslims as well, though for certain Hebrew biblical texts, such as the Torah and the Book of Esther, the handwritten scroll format is still mandated when these are used for liturgical purposes. The advent of printing in the West in the mid-15th century ushered in a decline in the ancient scribal practice of writing sacred texts by hand, though in the Islamic tradition, the printed Qur'an became popular only in the early 20th century.

HEBREW BIBLE

The Hebrew Bible is a collection of twenty-four books divided into three discrete units, Torah (Law), Nevi'im (Prophets), and Ketuvim (Writings), collectively known by the acronym Tanakh.

The first five books, the Torah or Pentateuch, are traditionally believed to have been dictated by God to Moses at Mount Sinai. They begin with the biblical account of creation and the life of the Patriarch Abraham.

The Torah continues to tell the story of Abraham's descendants and their evolution into the Jewish nation. The descent into slavery, the Exodus from Egypt, the Revelation at Sinai, the wanderings in the wilderness, and the comprehensive corpus of divine commandments and

prohibitions comprise the remaining portions of the Torah, culminating with the death of Moses. Nevi'im and Ketuvim contain a series of books whose authorship is ascribed to divinely inspired prophets, kings, and scribes, that are by turns poetic, historical, and ethical in nature.

CHRISTIAN BIBLE

Christians differ among themselves on the contents of the Old Testament, a term used to denote sacred scriptures that preceded Christianity. Most of the Orthodox Churches of the East as well as the Catholic Church derive their Old Testament from a Greek rendering of Hebrew manuscripts completed in Alexandria by the second century BCE. For Protestants, the Old Testament is nearly identical to the Tanakh.

Although Christians consider the Old Testament genuine revelation, they add, as a New Testament, their own collection: the four Gospels, or lives, of Jesus; the Acts of the Apostles, a history of the early Christian community strongly focused on Paul; Paul's own letters (epistles) as well as a few from Jesus' early disciples; and a Book of Revelation, an apocalyptic view of the imminent End Time. All these works are identified as the product of human authors, writing under the guidance of the Holy Spirit.

QUR'AN

Muslims believe that the Qur'an was revealed by God to Muhammad through the angel Gabriel, first at Mecca and later at Medina, over a 22-year period. The Qur'an, consisting of 114 chapters, each known as a sura, is seen as the culmination of a series of divine messages. In sometimes vastly different forms, it includes narrative elements that can also be found in the Hebrew Bible and the New Testament. Muhammad is revered as the Messenger of God and as the final Prophet.

NATIVE AMERICANS

What the United States government has done, for decades, to Native Americans is appalling. Since well before President Andrew Jackson's despicable *Trail of Tears*, the United States has killed them, broken well-established treaties with them, ignored tribal boundaries, and betrayed them in many other egregious ways.

The impact of this treatment on the Native people is devastating (these statistics are taken directly from the National Congress of American Indians):

- † When compared to all other U.S. races, American Indians and Alaska Natives have a lower life expectancy by 5.5 years. This includes higher rates of death from chronic illness, including diabetes, chronic liver disease, cirrhosis, mellitus, and suicide.
- † American Indians and Alaska Natives die of heart disease at a rate 1.3 times higher than all other races; diabetes at a rate of 3.2 times higher; chronic liver disease and cirrhosis at a rate of 4.6 times higher; and, intentional self-harm and suicide at a rate of 1.7 times higher.
- † For American Indian and Alaska Native youth, the rate of suicide is 2.5 times higher than the rest of the country. It is the highest youth suicide rate among all other races/ethnicities in the country.
- † The percentage of American Indian and Alaska Native homeowners who owned their own home in 2017 was 459,158 thousand. This is less than 1 percent of all owner-occupied homes and compares to a rate of 63.8 percent for the total U.S. population.
- † The percentage of American Indian and Alaska Natives living in poverty in 2017 was estimated to be 26.8 percent. This compares to 14.6 percent for the nation as a whole.

† American Indians and Alaska Natives attend post-secondary education at a rate of 17 percent, in comparison to 60 percent among the total U.S. population.

Unsurprisingly, Covid-19 ravaged American Indian/Alaska Native (AI/AN) populations. According to the Centers for Disease Control and Prevention (CDC), “In 23 states with sufficient Covid-19 patient race/ethnicity data, the overall Covid-19 incidence among AI/AN persons was 3.5 times that among White persons.” The AI/AN population was over four times more likely to be hospitalized as a result of Covid-19, and has higher rates of mortality at younger ages than the non-Hispanic White population.

And, still today, Native Americans are confronted with major barriers to vote (things like limited access to in-person voting and often no “acceptable” mailing address and/or identification), and their households are 19 times as likely as White households *to not have indoor plumbing*.

But finally! Things seem to be changing. In July 2020, the U.S. Supreme Court ruled that a large portion of Tulsa and eastern Oklahoma was indeed the Muscogee Creek people land. This ruling confirmed that the Muscogee Creek people – and, as an extension, the Cherokee, Chickasaw, Choctaw, Seminole and other Nations – are indeed sovereign nations with sovereign territory.

In the majority opinion, Justice Neil Gorsuch, who broke ranks with his fellow conservatives, wrote: “On the far end of the *Trail of Tears* was a promise.” Beautifully said, Justice Gorsuch.

PROTESTS IN AMERICA

Author's Note: Riots and peaceful protests are not the same thing! To preserve our civil rights, it's critical we do not get these two things twisted. *Peaceful* protests are addressed here. *Riots* are addressed in the *New Beginnings* section of Part Two of this book series, as well as Part One, Chapter Three.

One of my favorite things about Americans is our diversity. Our unique experiences and personal attributes create an amazingly colorful and vibrant society. These also largely define our individual views of the world, as well as our reactions to practically everything, political and otherwise.

In many countries, our personal feelings wouldn't mean very much to anyone but ourselves and maybe our families. We could feel a certain way – and even be deeply devastated by events unfolding around us – but have very little control over how to change our circumstances.

But, thankfully, we live in the United States of America! We are the country that welcomes the poor, the tired and the huddled masses. We are the country that celebrates life, liberty and justice for all. We are the country that, if not invented then certainly perfected, the right to peaceful assembly, freedom of speech and the free exercise of religion.

These freedoms were secured for us by heroes who have fought for over two centuries, from the battlefield of Bunker Hill to the beaches of Normandy to the sands of the Middle East.

These rights have been protected for us in fights off the battlefield as well...by civil rights heroes like Dr. Martin Luther King Jr., Vernon Dahmer, John Lewis, Reverend James Reeb, Rosa Parks, Jonathan Daniels, Ruby Bridges, and Viola Gregg Liuzz, plus all those who participated in events like the demonstrations against the Cambodian Campaign at Kent State, and even the strippers of the Lust Lady in San Francisco, who demanded the right to form a union.

So, protests. When you really think about it, is there anything that could be more fundamentally American?

Let's take the U.S. national anthem protests, for example, which started in earnest when Colin Kaepernick, a political activist and football player for the San Francisco 49ers, kneeled during the national anthem at the start of games in protest of American police brutality and racial inequality.

Personally, I just don't get the controversy here, because it seems so obvious to me: Refusing to rise for the national anthem at a football game to protest police brutality and racism is not disrespectful to our flag. Actually, it's just the opposite. It celebrates the very essence of what our flag stands for.

Listen up, America. There is still significant racism and severe racial inequality in the United States, and many Black Americans are understandably frustrated and fed-up. Many feel they have nowhere to turn, and that no one is listening...and they are 100% correct. (read more about this and other social justice issues in Part Two of this book series)

For decades, those in power have done precious little to change this reality. Players who take a knee during football games (and those of us who support them) do not take this peaceful, nonviolent stand to be disrespectful to this country. We do not take this peaceful, nonviolent stand to disrespect our military. We do not take this peaceful, nonviolent stand to just annoy other people, or tick anyone off.

We take a stand because – thank God – we live in a country where we all have the right to stand up (no pun intended) for what we believe is right. We take a stand because we live in a country where we all have as much right as anyone else to bring attention to injustices and make our displeasure known.

If you want to do something else to make your displeasure known, knock yourself out! You do you, and I'll do me. But no American in this country has any right to tell any other American how to lawfully express their fundamental right of free speech.

And, not for nothing, but I would like to add that I'm pretty certain this controversy has nothing to do with people expressing their displeasure at all. I'm pretty certain it's about *Black people* expressing

their displeasure about “Black” issues, and some White people don’t like it (please note I said *some* White people, certainly not all).

Why is this?

Well, my personal belief is that these certain White people are just ticked off because, deep down, they think they own the United States of America. They think America is theirs and theirs alone – and Black people should have no say whatsoever about anything, because Black people have no claim to this country anyway.

This is a super harsh thing to say but, unfortunately, it’s true. If you don’t believe me, look no further than the largely peaceful marches that occurred in American streets in the summer of 2020, once again in a national reckoning on police brutality and racial inequality. I’ll be damned if these certain White people didn’t like that approach either.

Before you leave this topic, I encourage you to re-read the shockingly inequitable statistics included in Part Two of this book series. Having that knowledge, taking a knee doesn’t seem so unreasonable after all, now does it?

REPARATIONS

So, how can we make things right?

There is not enough money in the world to reimburse what the Black community had already lost as they arrived near Point Comfort, Virginia in 1619 – and continues to lose long after President Lincoln issued the *Emancipation Proclamation* on January 1, 1863. (see the shocking statistics in Part Two of this book series)

On my latest trip to the *National Museum of African American History and Culture* in Washington, D.C. (a part of the Smithsonian Institution), I was once again dumbfounded by what actually went down 400 years ago:

“The Transatlantic Slave Trade was the largest forced migration of people in world history. Profits from the sale of enslaved humans and their labor laid the economic foundation for Western Europe, the Caribbean, and the Americas. The human costs was the immense physical and psychological toll on the enslaved. Their lives were embedded in every coin that changed hands, each spoonful of sugar stirred into a cup of tea, each puff of a pipe, and every bite of rice.”

Then, after all they had been through already, Frederick Douglass described their version of “free” this way:

“The world has never seen any people turned loose to such destitution as were the four million Negro slaves of the South. The old roof was pulled down over their heads, before they could make for themselves a shelter. They were free; free to hunger, free to the winds and rains of heaven; free to the pitiless wrath of the enraged master’s hand. They were without roofs to cover them, or bread to eat, or land to cultivate, and as a consequence died in such numbers as to awaken the hope of their

enemies that they would soon disappear. We gave them freedom and famine at the same time.”

There have been twenty generations of Black Americans since that time. Certainly, there has been progress, but the scars from the past remain painfully evident for many Black Americans. Today, Black and White Americans continue to live in two very different realities, in large part due to misguided and misaligned policy decisions. (you can read much more about this and other social justice issues in Part Two of this book series)

To be a healthy, cohesive nation we must make amends for this. In my mind, direct financial compensation (i.e., cash payments to the descendants of victims of the Atlantic slave trade) is not the way to go for two reasons:

- † First, this gets into a whole thing about who gets the money, plus there is no way it would even come close to being enough to adequately convey the true damage, and it wouldn't be enough to make significant changes in someone's life anyway.
- † Second, it provides the perfect excuse to not fix the systems that still perpetuate discrimination and inequality. I can hear it now and it literally makes my stomach turn...“quit complaining, Black people! After all, we *gave you a check*....” Ugh.

The more productive approach is this: Fight to change the things that will level the playing field once and for all. When I use the words “fight” and “change,” I don't mean them in the meaningless way they have been used in the past – which always ends in broken promises and bitter disappointment. I mean we actually fight until these things change.

And for the first time in history we can actually do it, because 1787 has developed action plans for our social challenges that are empowering, far-reaching, enduring, and, above all, truly transformational (these are all detailed in Part Two of this book series).

In the meantime, on a personal note, I want to say to Black Americans that I am deeply and profoundly sorry.

There has been talk lately of an emergence of “White guilt.” That is not this. I am not deeply and profoundly sorry because I feel guilty for being White. I am just deeply and profoundly sorry that these things still happen to Black people.

I am deeply sorry that there is still significant racism and severe racial inequality in the United States.

I am deeply sorry that you are still discriminated against every day and in every way.

I am deeply sorry that your kids repeatedly get stopped by police officers for absolutely no reason other than the color of their skin.

I am deeply sorry that Confederate monuments were built as political weapons during the times of Jim Crow and the civil rights movement in a clear attempt to champion White supremacy.

I am deeply sorry that there had to be a book called the Negro Motorist Green Book to identify restaurants, gas stations, hotels and restrooms so your families could stop while traveling and not be in danger.

I am deeply sorry about redlining, as well as the continued housing discrimination that still exists today.

I am deeply sorry about the unacceptable achievement gap that persists in our schools.

I am deeply sorry that our criminal justice is unfair, ineffective, and has been a destructive force in your lives for decades. In almost every category – including apprehension, prosecution, defense, sentencing, and punishment – we are failing miserably, and your community takes the brunt of that failure.

I am deeply sorry that poverty, inadequate education, low or no employment, dangerous and segregated housing, predatory lending, an

extremely unfair criminal justice system, and the damaging consequences of our misaligned social policies all continue to conspire to repress your communities.

You have my word: I will not stop until we fix this.

SEXUAL HARASSMENT

What I am about to share with you is what I like to call *The Evolution of Emily and Sexual Harassment*.

Generally, I am really clear on a topic like this from the get-go – and most often that initial gut feeling sticks. Because I have such stellar instincts – and obviously a high opinion of myself ;) – when I write about something like sexual harassment, I try really hard to shut out any outside noise. To be authentic to my position I try hard to disregard what my friends will think, or what my family will think, or, quite honestly, what any of you will think about what I ultimately say. In other words, I try really hard to convey my feelings honestly.... it's just too exhausting to do anything else.

So, you can imagine my surprise when I started writing this section and it came off as totally insincere. Mainly because it *was* totally insincere. I found myself trying to write a little something for *everyone*, so no one would be mad or disappointed in me.

I was terrified of being seen as a traitor to the #metoo movement, or an inadequate advocate for women, or too hard on men, or a million different other things that people today seem to attach to incendiary and complicated topics.

Thank goodness I caught this unusual behavior in time, because it forced me to ask myself: Why? Why – out of all of the difficult topics we face – was this the one that was causing such internal angst.

Let's unravel this...

At nineteen I started my career in the oil and gas business. Back then, the energy business could have warranted its very own #metoo category. Sure, I came after the good 'ol days when oil companies had actual field trailers stocked with prostitutes, but still....

Some of my awesome O&G girlfriends and I were talking about this recently, and we tried to figure out which came first: Back then, did the energy business attract women who weren't easily offended or did the circumstances train us to be virtually un-offendable?

Either way, it is very (very) hard to offend me. In fact, unless you try to defend racism or commit an act of social injustice, you probably aren't going to be able to pull it off.

Instead of being offended by sexual advances in those early years, I found that a quick upper jab of the knee or gentle slap across the face worked really well as a deterrent. Evidently my approach ultimately worked – and word spread –because after just a few instances, nothing inappropriate ever happened again.

< Sidebar: I want to be super clear here: The vast majority of the men I have encountered in both my professional and personal life have been nothing but incredibly supportive...the utmost gentlemen. >

As the years rolled on, I started hearing more and more stories from my girlfriends. Practically every single friend I have has a story of inappropriate sexual behavior by men – and I'm not talking about just salty language, wandering eyes or hands, or a hug that lingers too long. I'm talking about major groping and, in multiple cases, straight-up rape. I have even spent significant time with women who were in hiding because of potentially lethal domestic and sexual abuse.

Even still, when I reflected back on my own experiences and some of the “less” offensive stories told by others, I always seemed to justify the offending behavior in some way. After all, I have been known to tell pretty indelicate jokes myself. And sometimes my skirts were super short and my dress a little too tight.

Plus, when I was studying psychology, we watched this video of a daughter who was convinced by her mother that her father had molested her but, after extensive investigation, zero evidence was found that he had done so (he hadn't even seen his daughter during the time the supposed molestation had occurred). And then there was my friend from high school who told the entire school, and cops, that her ex-boyfriend raped her, but told me privately that she had made it up for revenge. And that wasn't the only friend who told me something like that.

These last two examples in particular collide with my intense belief in due process. < Note: To ensure full disclosure, I'm not a girl who automatically believes a person – or votes for a person – just because she has girl parts. The official definition of feminism is *advocating for women's rights on the basis of the equality of the sexes*. Using that

definition, I am certainly a feminist. In my mind, it's all about fighting against the belief that someone's gender somehow determines their level of competency or the content of their character, a belief that inevitably creates a social system that puts some at a terrific advantage and others at a tremendous disadvantage. >

All of our Constitutional rights are sacred, but due process has a special place in my heart. In fact, it's the only thing in the Constitution that is mentioned twice (Fifth and Fourteenth Amendments). I'm so into due process that I believe those shows on TV like *The First 48* and *To Catch a Predator* are unconstitutional. My little town in East Texas publishes the names of everyone who was arrested that week in the newspaper and I even think that is unconstitutional.

As a result, for years and years I mentally made excuses for bad behavior and, not wanting to be prematurely judgmental, waved the due process flag. Sure, I shouldn't have to walk around kicking men where the sun don't shine, but big deal. And the *he said/she said* scenario continued to make me super nervous...I mean, how can we really *know*?!?

Then came the Access Hollywood tape and Donald Trump saying he grabbed women by the p*\$y. Okay, so this was a vile thing for a man to say but, since the first time I heard Donald Trump speak decades ago, I have considered him a ridiculous human being. Then came the accusation that Harvey Weinstein subjected women to seeing him naked. Now I'm completely grossed out. Then came the accusations that Harvey Weinstein raped women and maliciously ruined their careers. Now I'm getting really ticked.

Then incredibly brave Olympic gymnast McKayla Maroney revealed that she was sexually assaulted by former team doctor Lawrence G. Nassar. Now I'm heartbroken. Then came more gymnast stories, and tales about Kevin Spacey, Matt Lauer, Russell Simmons, and Louis C.K...and on and on and on. Now I finally understood that bad behavior is completely out of control.

Then came 6 am the morning of September 20, 2018. Now I'm sitting in a restaurant eating breakfast with tears in my eyes. This day, we happened to be waiting to see if Dr. Christine Blasey Ford would testify against Supreme Court nominee (now Justice) Brett Kavanaugh (Dr. Ford

had accused Kavanaugh of physically and sexually assaulting her in high school).

It was not the Kavanaugh drama but two articles that appeared in *The Washington Post* that served as my final straw. The first article entitled *These Are the Stories of Our Lives: Prep School Alumni Hear Echoes in Assault Claim* quotes a woman, Bettina Lanyi, who attended a private school close to Dr. Ford's. Ms. Lanyi, along with 300 others, posted an online letter to Dr. Ford which said in part, "We believe you. Each one of us heard your story and not one of us was surprised. These are the stories of our lives and our friends' lives."

In the article, Ms. Lanyi said, "There was a lot of shame and stigma then if a girl was raped, so girls tried to hide it. They didn't tell anyone. The term 'date rape' wasn't something that even existed then. So, if it happened, it was always kind of the girl's fault."

Another woman said, "Most of the guys at these schools were really decent, nice guys, but there was a small minority that was popular and out of control. I never got dragged into a bedroom, but that . . . happened to girls all the time." Another woman interviewed for the article said, "It was just a horrible culture. I never married, I don't have kids, and I trace it all back to those parties."

The second article was a stunning piece by Elizabeth Bruenig. The article tells the story of a girl who had gone to Elizabeth's high school, James Martin High School in Arlington, Texas.

The girl was Amber Wyatt, a 16-year-old cheerleader who, in 2006, reported that she was raped in a storage shed by two senior boys. "Nobody was ever prosecuted for it," Bruenig explained, "and nobody was punished except, arguably, her. By the end of the fall semester, she had disappeared from high school, leaving only sordid rumors and a nascent urban legend."

The two boys involved were popular, so the backlash commenced almost immediately after Amber's accusation. According to the article, "Kids hurled insults at Wyatt in the halls and casually chatted about the news in class. Many of her former friends would no longer associate with her. Wyatt says she received threats and slurs by text messages, people telling her to kill herself, saying she got what was coming to her...One night in September, text and MySpace messages began circulating among

Martin teens who wanted to show support for the accused by writing “FAITH” on their cars.”

“The lurid acronym – “which stood for f--- Amber in the head” – began appearing on rear windows the following morning, metastasizing as quickly as the rumors had. Friday morning, spray-painted graffiti appeared on Martin’s exterior wall. It read something like, ‘Amber is a Whore’; the exact verbiage has been lost to time.”

Nurse Della Schiavo, who worked at Arlington Memorial Hospital for over ten years giving sexual assault exams, remembered the case well when Bruenig contacted her for her article. Nurse Schiavo recounted that she gave Wyatt an exam, took detailed notes and sketched her injuries, which showed “abrasions to her elbow, both ankles, and buttocks, along with a scratch on her inner thigh. She also recorded vaginal and anal tearing, along with redness and abrasions.” She told Bruenig, “The examination that I did was consistent with what [Wyatt] said. That girl was raped.”

Nevertheless, Nurse Schiavo was never called to testify. Despite Amber’s injuries and the fact that semen found inside of her was a match for one of the boys, the district attorney’s office did not pursue the case. In fact, the two boys were never even questioned by police. Soon after, Amber entered into a “spiral of drug abuse and addiction.”

Now I’m outraged. Enough is enough.

Of course, not all cases are as severe as Amber’s. Certainly, there is a spectrum of unacceptable behavior. And I’m an adamant believer that complicated human beings cannot be reduced to either *good or evil*. I’m also a hardcore believer in both mercy and redemption. I always try to be extra careful in my indictment of others. After all, have we not all done something that we thought we would never do only to later be ashamed because we were better than what we did?

But regardless of the level of behavior or the level of redemption, we need a real wake-up call in this country.

In a Pew Research Center survey, “59 percent of women said they have personally received unwanted sexual advances or verbal or physical harassment of a sexual nature, whether in or outside of a work

context. Among women who say they have been sexually harassed, more than half (55 percent) say it has happened both in and outside of work settings.”

At the end of her brilliant article, Elizabeth Bruenig writes this about Amber’s tragic experience:

“Justice in the world – if it’s to exist at all – will have to take some other form than the formalized and official, and peace will have to arise from some other reckoning than a proper settling of accounts. This is my imperfect offering toward that end: a record of what happened, and the willingness to have been troubled by it all these years.

It still troubles me now – it will always be unresolved – and I hope that it troubles you, because the moral conscience at ease accomplishes nothing. Wyatt doesn’t have much interest in pressing for a trial or other remedy after all this time. Even if she did, it would be impossible – Lucero’s files indicate that all the physical evidence relating to Wyatt’s case was destroyed – common with no-billed cases – in 2009. (Ricardo “Rico” Lucero was the detective in the Arlington Police Department’s Crimes Against Children Unit that questioned Amber. He was never called to testify).

All that remains are the urban legends and the memories, the wounds and their scars, a stack of documents in a Texas public safety office, what you know now, and the hope that you will carry it with you into the world.”

Thank you, Elizabeth. I promise you and Amber, that is exactly what I am going to do.

SOCIALISM

Sometimes it feels like Socialism is on the rise in America. Even though Joe Biden won the 2020 Democratic presidential primary – a feat only achieved because establishment lions (namely South Carolina congressman Jim Clyburn) stepped in when far left-wingers Bernie Sanders and Elizabeth Warren moved to frontrunner status – progressives had been on a roll electorally and had already been successful in heavily influencing the Democratic Party’s platform.

In a relatively short time, “The Squad” and its three highest-profile members – Representatives Alexandria Ocasio-Cortez (D-NY), Rashida Tlaib (D-MI) and Ilhan Omar (D-MN) – had already managed to push the Democratic House leadership to the left.

Ocasio-Cortez, a member of the Democratic Socialists of America, even nominated self-described democratic socialist Bernie Sanders to be president at the 2020 Democratic National Convention, even though Biden had the nomination sewn up.

As a conciliation prize, Senator Sanders soon took the reins of the powerful Budget Committee, which has enormous influence over tax and spending thanks to a budget mechanism called reconciliation, which allows legislation to pass with a simple majority.

All that said, regardless of how many people like Bernie Sanders or Alexandria Ocasio-Cortez periodically emerge, the reality is that America’s economic system is capitalism. Period.

This is a fact that isn’t going to change and for this we should be exceedingly grateful. As the old saying goes, capitalism is the worst kind of economy until you try all the rest.

It is my belief that those on the far-left have gotten their hopes up – and that the modern-day conception of “socialism” in the United States has gotten twisted – because 1) the true definition of socialism has been completely watered down, together with 2) a couple of interesting public polls.

A Harris Poll conducted in February 2019 revealed that 49.6 percent of Millennials and Gen Z-ers agreed with the statement: “I prefer living in a socialist country;” 73.2 percent agreed with the statement: “Government

should provide universal health care” and 67.1 percent agreed with the statement: “Government should provide tuition-free college.” A Gallup poll released in May 2019 found that “43 percent of Americans say socialism would be a good thing for the country.”

Let’s be clear: These polls are measuring what I like to call *sunny-side-up socialism*, not what true socialism actually is. A perfect example of this perversion of socialism is when Bernie Sanders points to Denmark as an example of his brand of socialism ... which is strange because Denmark is not a socialist country in the least.

Even the 25th Prime Minister of Denmark Lars Løkke Rasmussen rejected Bernie’s definition when he remarked, “I know that some people in the U.S. associate the Nordic model with some sort of socialism. Therefore, I would like to make one thing clear. Denmark is far from a socialist planned economy. Denmark is a market economy. The Nordic model is an expanded welfare state which provides a high level of security to its citizens, but it is also a successful market economy with much freedom to pursue your dreams and live your life as you wish.”

Aha! There it is. These polls are not measuring what Americans think of socialism à la Joseph Stalin or Chairman Mao Zedong. Rather, the term has come to mean something entirely different to many Americans. When “socialism” is mentioned in America today, it is more about the view/approach one takes to the welfare state, not whether or not the government should have complete control over our lives.

To me, the American view/approach to the welfare state is a spectrum: On the far end of one side there is zero help for citizens. Sink or swim, everyone is pretty much on their own. On the far end of the other side everything is provided to citizens for basically free.

Where the United States should land on that spectrum is an entirely different conversation – and my recommendations for this are in the second book of this series – but the term “socialism” should not be a part of this conversation regardless of who is having it.

The fact is that Merriam-Webster defines socialism this way: “Any of various economic and political theories advocating collective or governmental ownership and administration of the means of production and distribution of goods; a system of society or group living in which

there is no private property; a system or condition of society in which the means of production are owned and controlled by the state.”

...and that is just not going to happen in the United States of America. Period. Believe me, the polls I referenced earlier would look far different if the question asked was: “Do you agree with this statement: I want the United States government to take all of my private property from me, tax me at a rate of 90 percent, and then be completely in charge of running every single thing about my life.”

If that were the alternative, I imagine most of us would just work to improve the system we’ve already got! :)

SOCIAL MEDIA & SOCIAL NETWORKS PLAN OF ACTION

Read more about Social Media &
Social Networks in Part One, Chapter Three.

You can find detailed information on each of these
recommendations at www.1787forAmerica.org.

GENERAL

- † Pass – and properly enforce – data privacy legislation similar to the *General Data Protection Regulation* in Europe.
- † The legislation must include *Purpose Limitation*, the requirement that data collected for one purpose cannot be used for another.
- † Repeal Section 230 of the *Communications Decency Act*.
- † Pass some version of the *Honest Ads Act*, which requires public disclosures of all political and social issue advertising in social media.
- † Lay off antitrust actions against U.S. tech companies. Is the federal government just trying to lose our dominant lead in the world's fastest-growing industry? Stop!

The above actions will take a while. In the meantime...

- † American Consumers! Be responsible and protect yourself!
- † Encourage social networks to establish oversight boards to rule on online speech issues, much like Facebook has.

- † Encourage social networks to make their data available for audits by independent researchers.
- † Learn more about the effectiveness of labeling posts as false, misleading, or disputed. Does this help or hurt?
- † Demand that social media companies ensure the authenticity of accounts on their platforms. Social bots should be banned ASAP.
- † Pressure the Federal Trade Commission (FTC) to scrutinize data collection methods to see if they constitute deceptive practices under existing law.
- † Demand the Federal Trade Commission (FTC) establish a data-broker clearinghouse.
- † Expand the 1998 *Children's Online Privacy Protection Act*. Surveilling the movement of minors should never happen. Ever.
- † Do everything possible to limit the long-term negative effects of social media platforms.

OTHER STUFF

- † Have a zero-tolerance policy toward cyberbullying. Prosecute abusers to the fullest extent of the law.
- † Restore the net neutrality rules established in February 2015. Classify Internet service providers as “Common Carriers.”
- † Continue to go after tech companies that restrict access to housing ads based on characteristics like race, religion or national origin.
- † Aggressively fight against online influence operations and election interference.
- † Implement a comprehensive national cybersecurity strategy that protects everything from our infrastructure to our intelligence databases.

STATUES/MONUMENTS

Some (certainly not all) White people seem to be very confused as to why Black people are offended by many of the statues that are in their (meaning Black peoples') own country.

Although I am White and, therefore, not qualified to speak firsthand on the Black American experience, my best guess is that things like Confederate statues are a slap in the face to Black people not only because of the horror of slavery, but also because most of these monuments were built during the time of Jim Crow in a clear attempt to champion White supremacy. Many of these statues were built for one reason and one reason only: To make sure that even though Black people were technically free, they should *never, ever forget their place*.

This is not my opinion, it's a well-documented fact. Most Confederate monuments were built by organizations like the United Daughters of the Confederacy to romanticize the *Lost Cause* ridiculousness – a narrative that tries to rewrite history and say that the Civil War had nothing to do with the enslavement of Black people at all; rather it was about the moral and just goals of gaining economic prosperity, “state’s rights,” and preserving the “Southern way of life” (whatever that means).

These Confederate statues are nothing more than monuments to ignorance. And injustice. And hate. And cruelty.

To those who try to defend the *Lost Cause* nonsense you can just save it. There is zero doubt that the Confederacy was firmly built on the foundation of White supremacy, and that the reason the South fought the Civil War was to preserve slave labor.

One has to look no further than Confederate Vice President Alexander Hamilton Stephens's *Cornerstone Speech*, given in 1861, for confirmation of this: “Our new government is founded upon the great truth that the Negro is not equal to the White man; that slavery subordination to the superior race is his natural and normal condition.”

Without question, removing statues that glorify the Confederacy from shared, public places is essential to our goal of achieving racial justice and

equality – but how far should the removal of statues and other monuments extend?

There have been seriously heated debates around this question lately but, to me, it's not really that complicated.

Not only were Jefferson Davis, the president of the Confederate States of America, Alexander Hamilton Stephens, his vice president, and two of the most famous Confederate generals, Robert E. Lee and Stonewall Jackson, fighting to keep human beings in bondage, they were traitors to the United States of America. Full stop.

The very thought of them being memorialized in a public place in this country is a joke. The U.S. Constitution is very clear: “Treason against the United States shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort.”

The same logic goes for the ten Army installations that are named after senior Confederate commanders, including Fort Bragg (named after General Braxton Bragg, who was a total disaster of a general, by the way), Fort Benning (named after Brigadier General Henry Benning, who led troops at Antietam and Gettysburg), and Fort Hood (named after John Bell Hood, who resigned from the United States Army to fight against it, and who was also a total disaster of a general).

As if fighting to keep people enslaved isn't bad enough, THESE PEOPLE TOOK UP ARMS AGAINST THE UNITED STATES. I mean, really? These people *betrayed our country*, as well as the ancestors of our Black friends and neighbors. No. Just no.

These are no-brainers, but it gets a little more complicated beyond that.

Take men like Woodrow Wilson, Andrew Jackson, Theodore Roosevelt, Thomas Jefferson and George Washington, for example. Washington and Jefferson owned slaves – as twelve of our first eighteen presidents did – and Jackson and Roosevelt were seriously outspoken racists. In fact, Jackson (the U.S. president from 1829 – 1837) oversaw the dreadful *Indian Removal Act* of 1830 and instigated the *Trail of Tears*, which is one of the vilest episodes in American history.

Although Woodrow Wilson (the U.S. president from 1913 – 1921) championed the League of Nations, led the nation through World War I,

and helped pass the 19th Amendment – which gave women the right to vote – his entire government was geared toward White supremacy. His administration segregated the federal work force and forced many Black Americans from positions where they had previously supervised White people. President Wilson is who started the process that led to ten military installations being named after Confederate officers.

Sure, Theodore Roosevelt (the U.S. president from 1901 – 1909) put tons of land under federal protection, but he stole most of it from Native Americans.

And what about Civil War-era graveyards and battlefields? As I often do, I look to my hero Frederick Douglass for advice at times like these (my love for this man and his wisdom knows no bounds).

The Freedmen’s Memorial in Washington, D.C., also known as the Emancipation Memorial, is a monument that depicts Abraham Lincoln standing over a kneeling, shirtless ex-slave and granting him freedom. The fist of the Black man is clenched and there are broken shackles at Lincoln’s feet. Money to build the memorial was raised almost exclusively from Black Americans, many former slaves themselves.

April 14, 1876, the day of the memorial’s dedication, was a day of celebration. There was a huge parade, and the day was declared a federal holiday. President Ulysses S. Grant unveiled the monument right before Frederick Douglass took the stage for one of his most powerful speeches ever.

As usual, Frederick did not sugarcoat the situation. His beginning was cordial enough: “We are here to express, as best we may, by appropriate forms and ceremonies, our grateful sense of the vast, high, and preeminent services rendered to ourselves, to our race, to our country, and to the whole world by Abraham Lincoln.” But then, this:

“We fully comprehend the relation of Abraham Lincoln both to ourselves and to the White people of the United States. Truth is proper and beautiful at all times and in all places, and it is never more proper and beautiful in any case than when speaking of a great public man whose example is likely to be commended for honor and imitation long after his departure to the solemn shades, the silent continents of eternity. It must be admitted,

truth compels me to admit, even here in the presence of the monument we have erected to his memory, Abraham Lincoln was not, in the fullest sense of the word, either our man or our model. In his interests, in his associations, in his habits of thought, and in his prejudices, he was a White man. He was preeminently the White man's president, entirely devoted to the welfare of White men. He was ready and willing at any time during the first years of his administration to deny, postpone, and sacrifice the rights of humanity in the Colored people to promote the welfare of the White people of this country.”

At the end of his speech, however, he came to this:

“But by a broad survey, in the light of the stern logic of great events, and in view of that divinity which shapes our ends, rough hew them how we will, we came to the conclusion that the hour and the man of our redemption had somehow met in the person of Abraham Lincoln. It mattered little to us what language he might employ on special occasions; it mattered little to us, when we fully knew him, whether he was swift or slow in his movements; it was enough for us that Abraham Lincoln was at the head of a great movement, and was in living and earnest sympathy with that movement, which, in the nature of things, must go on until slavery should be utterly and forever abolished in the United States.”

In other words, Lincoln the man eventually met the moment – and forever changed the lives of millions, however sloppy and inelegant his process was at times.

In my mind, we must look at these flawed men in their entirety, not simply by their greatest missteps in the limitations of their time. Yes, George Washington owned slaves, but he also was a heroic commander in chief, who fought heroically for the United States, saved the Union, and helped establish our country around our new Constitution.

Thomas Jefferson was a hypocrite of the highest order, but he also authored the Declaration of Independence, establishing our nation's

highest ideals – and putting into words, if not always in practice, the bold and powerful truth that it is “self-evident” that “all men are created equal.”

About this, it was also my brilliant hero Frederick who said,

“The American Government and the American Constitution are spoken of in a manner which would naturally lead the hearer to believe that one is identical with the other; when the truth is, they are distinct in character as is a ship and a compass. The one may point right and the other steer wrong. A chart is one thing, the course of the vessel is another. The Constitution may be right, the Government is wrong. If the Government has been governed by mean, sordid, and wicked passions, it does not follow that the Constitution is mean, sordid, and wicked.

It would be the wildest of absurdities, and lead to endless confusion and mischiefs, if, instead of looking to the written paper itself, for its meaning, it were attempted to make us search it out, in the secret motives, and dishonest intentions, of some of the men who took part in writing it. It was what they said that was adopted by the people, not what they were ashamed or afraid to say, and really omitted to say. Bear in mind, also, and the fact is an important one, that the framers of the Constitution sat with doors closed, and that this was done purposely, that nothing but the result of their labors should be seen, and that that result should be judged of by the people free from any of the bias shown in the debates.” < see why I love him so? >

Moving forward, I believe four things should happen:

- † First, it is important to acknowledge that historic preservation has a powerful role in telling the *entire* story of our difficult history. We certainly should not downplay or erase *any* of our history, but rather create an honest and accurate account of the Confederacy, for example, within museums or other nonpublic spaces.

† Second, every situation should be assessed individually. For example, a bust of Woodrow Wilson could possibly remain somewhere to acknowledge that he was the 28th president of the United States but, thanks to his segregationist policies, he should not have a public policy school named after him – a fact that Princeton University acknowledged when they renamed theirs in 2020.

As Princeton President Christopher L. Eisgruber said at the time: “When a university names a school of public policy for a political leader, it inevitably suggests that the honoree is a model for students who study at the school. This searing moment in American history has made clear that Wilson’s racism disqualifies him from that role. In a nation that continues to struggle with racism, this University and its school of public and international affairs must stand clearly and firmly for equality and justice.”

† Third, it is equally important to provide context for every situation, as well as a detailed explanation of each. For example, instead of taking down The Freedmen’s Memorial, maybe tell the story of the unveiling celebration, and the inspiring story of where the money for the monument came from. And, I bet a better explanation of the statue of Hans Christian Heg, an ardent abolitionist who fell at the Battle of Chickamauga fighting for justice, would have saved it from being dismantled in Madison, Wisconsin during the summer of 2020.

Likewise, a better explanation would have probably also saved the statue of Robert Gould Shaw – a man who commanded one of the first Black Union regiments and who ultimately gave his life fighting for freedom – from being destroyed in Boston, as well as one of Ulysses Grant, the 18th president of the United State and, before that, the Commanding General of the United States Army who was instrumental in winning the Civil War.

† Fourth, we should erect more statues in honor of Black heroes (plus others, like Native Americans, who also suffered horribly under the fiery hell of savage racism). There are plenty to choose from – from Harriet Tubman, who worked as an Union Army spy, guided slaves to freedom via the Underground Railroad, and planned and

executed raids like the one along the Combahee River in South Carolina which freed more than 700 people, to Sergeant First Class Alwyn Cashe, an African American soldier who became a legend in Iraq when he saved six fellow soldiers, all while he was literally on fire, ultimately giving his life for his country.

All of these steps are incredibly important. But the changes we must make go far beyond memories carved in a slab of stone. We cannot rest until we demolish the severe and significant racism that remains alive and well today. (read more about this and other social justice issues in Part Two of this book series)

THE U.S. CONSTITUTION

This is taken directly from *The Constitution of the United States: Is it Pro-Slavery or Anti-Slavery?* – written by Frederick Douglass in 1860.

I absolutely love this point-of-view. This man is – and always has been – my hero. He is just extraordinary!

§

I proceed to the discussion. And first a word about the question. Much will be gained at the outset if we fully and clearly understand the real question under discussion. Indeed, nothing is or can be understood. This are often confounded and treated as the same, for no better reason than that they resemble each other, even while they are in their nature and character totally distinct and even directly opposed to each other. This jumbling up things is a sort of dust-throwing which is often indulged in by small men who argue for victory rather than for truth. Thus, for instance, the American Government and the American Constitution are spoken of in a manner which would naturally lead the hearer to believe that one is identical with the other; when the truth is, they are distinct in character as is a ship and a compass. The one may point right and the other steer wrong. A chart is one thing, the course of the vessel is another. The Constitution may be right, the Government is wrong. If the Government has been governed by mean, sordid, and wicked passions, it does not follow that the Constitution is mean, sordid, and wicked. What, then, is the question? I will state it. But first let me state what is not the question. It is not whether slavery existed in the United States at the time of the adoption of the Constitution; it is not whether slaveholders took part in the framing of the Constitution; it is not whether those slaveholders, in their

hearts, intended to secure certain advantages in that instrument for slavery; it is not whether the American Government has been wielded during seventy-two years in favour of the propagation and permanence of slavery; it is not whether a pro-slavery interpretation has been put upon the Constitution by the American Courts — all these points may be true or they may be false, they may be accepted or they may be rejected, without in any wise affecting the real question in debate. The real and exact question between myself and the class of persons represented by the speech at the City Hall may be fairly stated thus: — 1st, Does the United States Constitution guarantee to any class or description of people in that country the right to enslave, or hold as property, any other class or description of people in that country? 2nd, Is the dissolution of the union between the slave and free States required by fidelity to the slaves, or by the just demands of conscience? Or, in other words, is the refusal to exercise the elective franchise, and to hold office in America, the surest, wisest, and best way to abolish slavery in America? To these questions the Garrisonians say Yes. They hold the Constitution to be a slaveholding instrument, and will not cast a vote or hold office, and denounce all who vote or hold office, no matter how faithfully such persons labour to promote the abolition of slavery. I, on the other hand, deny that the Constitution guarantees the right to hold property in man, and believe that the way to abolish slavery in America is to vote such men into power as well use their powers for the abolition of slavery. This is the issue plainly stated, and you shall judge between us. Before we examine into the disposition, tendency, and character of the Constitution, I think we had better ascertain what the Constitution itself is. Before looking for what it means, let us see what it is. Here, too, there is much dust to be cleared away. What, then, is the Constitution? I will tell you. It is not even like the British Constitution, which is made up of enactments of Parliament, decisions of Courts, and the established usages of the Government. *The American Constitution is a written instrument full and complete in itself. No Court in America, no Congress, no President, can add a single word thereto, or take a single word thretereto. It is a great national enactment done by the people, and can only be altered, amended, or added to by the people.* I am careful to make this statement here; in America it would not be necessary. It would not be necessary here if my assailant had shown the same desire to be set before you the simple truth, which he manifested to make out a good case for himself and friends. Again, it should be borne in mind that the mere text, and only the text, and not any commentaries or creeds written by those who wished to give the text a meaning apart from its plain reading, was adopted as the Constitution of the United States. It should also be borne in mind that the intentions of those who framed the Constitution, be they good or bad, for slavery or against slavery, are so respected so far, and so far only, as we find those intentions plainly stated in the Constitution. *It*

would be the wildest of absurdities, and lead to endless confusion and mischiefs, if, instead of looking to the written paper itself, for its meaning, it were attempted to make us search it out, in the secret motives, and dishonest intentions, of some of the men who took part in writing it. It was what they said that was adopted by the people, not what they were ashamed or afraid to say, and really omitted to say. Bear in mind, also, and the fact is an important one, that the framers of the Constitution sat with doors closed, and that this was done purposely, that nothing but the result of their labours should be seen, and that that result should be judged of by the people free from any of the bias shown in the debates. It should also be borne in mind, and the fact is still more important, that the debates in the convention that framed the Constitution, and by means of which a pro-slavery interpretation is now attempted to be forced upon that instrument, were not published till more than a quarter of a century after the presentation and the adoption of the Constitution. These debates were purposely kept out of view, in order that the people should adopt, not the secret motives or unexpressed intentions of any body, but the simple text of the paper itself. Those debates form no part of the original agreement. I repeat, the paper itself, and only the paper itself, with its own plainly written purposes, is the Constitution. **It must stand or fall, flourish or fade, on its own individual and self-declared character and objects.** Again, where would be the advantage of a written Constitution, if, instead of seeking its meaning in its words, we had to seek them in the secret intentions of individuals who may have had something to do with writing the paper? What will the people of America a hundred years hence care about the intentions of the scribes who wrote the Constitution? These men are already gone from us, and in the course of nature were expected to go from us. *They were for a generation, but the Constitution is for ages.*

THE U.S. JUDICIARY

1787'S PROMISE TO YOU:

Our candidates will only nominate judges with a high level of integrity and an exceptional track record of competence and fairness. 1787 candidates will never nominate a judge based on his or her philosophy, ideology or political party.

§

A SPECIAL THANK YOU TO AMERICAN JUDGES!

Beginning on Election Day 2020 through the January 6th insurrection and its aftermath, honorable judges on all levels of the American court system protected this nation from multiple assaults on our democracy. **GOD BLESS YOU ALL.**

§

The day Donald Trump was elected to the presidency, he inherited an abundance of judicial vacancies. This handed Republicans the opportunity of a lifetime – to mold the ideology of the federal court system in their own image.

Senate Republican leader Mitch McConnell seized on the chance: “I said, Don (referring to incoming White House counsel Don McGahn), we’ve got an opportunity here to have a huge long-term impact on the country.”

According to *Time* magazine: “In one of his rare public appearances – a speech before the Federalist Society < a very powerful organization of conservative lawyers > at Washington’s Mayflower Hotel – McGahn joked that his team would work with two lists of potential nominees. The first list contains ‘mainstream’ and ‘pragmatic folks.’ The second list, he said, includes judges who are ‘too hot for prime time ... The kind of people that make some people nervous.’ ‘The first list we’re going to throw in the trash,’ McGahn said to laughter and applause. ‘The second list, that’s the one we’re going to put before the U.S. Senate, because I know leader McConnell is going to get it done.’”

Article III courts (i.e., currently the U.S. Supreme Court, the U.S. courts of appeals, the U.S. district courts and the U.S. Court of International Trade) are meant to be a check on the legislative and executive branches. The most important thing is, to any and all extent possible, the judicial branch must be fair, impartial, and independent.

As Alexander Hamilton wrote in the *Federalist Papers*,

“Independence of the judges is equally requisite to guard the constitution and the rights of individuals from the effects of those ill humours which the arts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people themselves, and which, though they speedily give place to better information and more deliberate reflection, have a tendency in the meantime to occasion dangerous innovations in the government, and serious oppressions of the minor party in the community.”

That said, judges are only human, and the politicizing of the judicial branch is hardly a new phenomenon. What does seem unusual – and was perhaps the scariest part of Donald Trump and Mitch McConnell’s epic court-packing plan – is how blatantly transparent certain conservatives have been about their political intentions and motivations.

Presidential candidate Donald Trump once told *Breitbart News Daily*, “We’re going to have great judges, conservative, all picked by Federalist Society.” As promised, the Federalist Society was indeed

highly instrumental in Donald Trump’s judicial nominating process. Brett Kavanaugh, Neil Gorsuch, and Amy Coney Barrett – plus many appeals court judges appointed during the Trump administration – were members or former members of the Federalist Society.

The Washington Post reported that Don McGahn said to fellow Federalist Society members, “Our opponents of judicial nominees frequently claim the president has outsourced his selection of judges. That is completely false. I’ve been a member of the Federalist Society since law school. Still am. So, frankly, it seems like it’s been in-sourced.”

A law professor at Northwestern University, Steven Calabresi – one of the founders of the Federalist Society and the current chairman of the organization’s Board of Directors – released a memo in November 2017 titled *Proposed Judgeship Bill*. To be fair, many people, including some Republicans, criticized the document. However, I believe Calabresi’s ideas cannot be dismissed as inconceivable.

We are all Americans and, as such, we all certainly have the right to propose ideas. That said, there is one aspect of Calabresi’s document that makes it highly concerning.

The first part of the professor’s plan is to “pass a judgeship bill that would greatly expand the size of the circuit and district courts. Furthermore, Congress could accomplish this in a cost-effective manner by abolishing 158 of the most powerful administrative law judges and replacing them with Article III Administrative Law Judges; this would also help restore the separation of powers and rule of law to agency adjudications.”

This by itself is not *that* radical of an idea. Actually, a strong case can be made for expanding the number of lower federal courts. For one, the number of lower courts has stayed the same for the past three decades even though the population of the United States has grown significantly. Plus, unfortunately, the number of felony cases has risen as well. (more on this in the next section)

However, the problem is his *motivation* for expansion, which is blatantly partisan. “In doing so, Congress could achieve another important reform: undoing the judicial legacy of President Barack Obama.”

It’s not surprising that conservatives have different criteria for judges than President Obama, but for that to be the primary – if not *only* –

motivation? That's a bit warped and shows just how political this has all become.

This reasoning – along with other public comments like this one by Leonard Leo, Executive Vice President of the Federalist Society: “We’re going to have to understand that judicial confirmations these days are more like political campaigns. We’re going to have to be smart as a movement.” – give insight to these guys approach to total judicial domination.

This cannot be stressed enough: IT IS ABSOLUTELY CRITICAL THAT OUR JUDICIAL BRANCH NOT BECOME A POLITICAL PAWN.

We have to pay super close attention, regardless of who is in the White House. Don't think for a second that Republicans are the only ones who make judicial decisions based solely on partisan self-interest. We must watch all of these people like hawks and hold every member of Congress accountable for every nomination vote they make.

VOTING

RIGHTS + SUPPRESSION + SECURITY

“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The Congress shall have power to enforce this article by appropriate legislation.”

– The 15th Amendment

**** MAYDAY! MAYDAY! ****

American voting rights are under attack. Republican-led state legislators are not only making it harder to vote, they are also passing laws that give them – not election officials – the power to overturn election results.

Analysis by the Brennan Center for Justice, a nonpartisan law and policy institute, found that state legislators had introduced 389 bills across 48 states making it harder to vote. Already, 61 of these bills are moving through the legislative process and 31 have passed at least one chamber.

WE MUST PAY ATTENTION!

VOTING RIGHTS

The *Voting Rights Act* (VRA) was signed into law by President Lyndon Johnson on August 6, 1965. The VRA was passed to put an end to discriminatory election practices and to protect every American's constitutional right to vote. The *Voting Rights Act* put a stop to unfair election practices that were designed to disenfranchise voters and was *supposed to* ensure that new restrictive measures would be prevented.

When Congress passed the VRA, it acknowledged that racial discrimination regarding elections was more common in certain areas of the country than others. Therefore, Section 4(a) of the VRA established a formula to identify the problem areas and to define the appropriate remedies. The formula included the following:

- † Did the state/county use a “test or device” that could potentially prohibit an American from registering and/or voting (i.e., a literacy test or morality test)?

- † Did less than 50 percent of voting-aged citizens register to vote on November 1, 1964, or did less than 50 percent of voting-aged citizens vote in the 1964 presidential election?

This formula identified seven “covered jurisdictions”: Alabama, Alaska, Georgia, Louisiana, Mississippi, South Carolina and Virginia. Plus, certain counties in four additional states: Arizona, Hawaii, Idaho and North Carolina.

In addition to potential remedies, these “covered jurisdictions” were subject to something called “pre-clearance,” a process whereby new election laws had to be reviewed by the Justice Department before they even went into effect.

Without question, the provisions in the *Voting Rights Act* were extremely effective. African American voter turnout increased from 7 percent to 67 percent within just five years – in Mississippi alone.

Time magazine reported that:

“The new measure’s reaffirmation of the right to vote regardless of ‘race or color’ applied to all states, and by 1980 the percentage of the adult Black population on the voter rolls in the South had already surpassed that in the rest of the country. Although 3 million more White than Black voters were added to southern rolls in the 1960s, the Voting Rights Act’s ‘special coverage’ states, which showed a combined total of 72 Black elected officials in 1965, boasted nearly 1,000 a decade later. By the mid-1980s there were more Black people in public office across the South than in the rest of the nation combined. Although the share of public officeholders still fell well short of the Black share of the population, by 2001 the gap outside the South was nearly 4 times greater than within it.”

Even today, the U.S. Department of Justice’s website still says: “Soon after passage of the *Voting Rights Act*, federal examiners were conducting voter registration, and Black voter registration began a sharp increase. The cumulative effect of the Supreme Court’s decisions, Congress’ enactment of voting rights legislation, and the ongoing efforts of concerned private citizens and the Department of Justice, has been to restore the right to vote guaranteed by the 14th and 15th Amendments. The Voting Rights Act itself has been called the single most effective piece of civil rights legislation ever passed by Congress.”

In 1970, Congress granted a five-year renewal for special provisions in the legislation that were set to expire. In 1975, these provisions were extended for an additional seven years. In fact, they were even broadened to include other “language minority groups” (defined as people who are American Indian, Asian American, Alaskan Natives or of Spanish heritage). In 1982, Congress extended the provisions for an additional 25 years, and in 2006 they were extended for yet another 25 years.

However, the party came to an end in 2013 when, in the court case *Shelby County v. Holder*, the U.S. Supreme Court gutted the *Voting Rights Act*, saying “the Act imposes current burdens and must be justified by current needs” and that “a departure from the fundamental principle of

equal sovereignty requires a showing that a statute’s disparate geographic coverage is sufficiently related to the problem that it targets.”

The Supreme Court also ditched the pre-clearance requirement. So, states were now allowed to pass new voting restrictions that would have previously been evaluated under the *Voting Rights Act*.

Now, the only recourse American citizens have is to fight these unfair practices – case by case – in court *after* they have already been implemented. The U.S. Supreme Court justified this by saying: “Nearly 50 years later, things have changed dramatically.”

The U.S. Supreme Court has since been proven very, very wrong.

VOTER SUPPRESSION

The destruction started immediately. After the Supreme Court’s decision, states wasted no time in passing strict voting constraints, including laws that make it much harder to register to vote, disenfranchising people with prior criminal convictions, and even the comprehensive restructurings of entire state election systems.

In 2018, the Pew Charitable Trusts reported that:

“In the years since the U.S. Supreme Court struck down key parts of the *Voting Rights Act*, nearly a thousand polling places have been shuttered across the country, many of them in southern Black communities. The trend continues: This year alone, 10 counties with large Black populations in Georgia closed polling spots after a White elections consultant recommended they do so to save money.”

And it’s just getting worse. The minute Donald Trump lost the 2020 election, Republicans went into voter-suppression overdrive, ostensibly to prevent “voter fraud.” < read more about the *election fraud lie* in Part One, Chapter Three >

Unlike the days of yore, when they at least *tried* to appear decent, Republicans across the country are not even attempting to hide the fact that these laws are a completely partisan exercise. Alice O’Lenick, the Gwinnett (Georgia) Board of Registrations and Elections chairwoman for 2021 and 2022, said that after such a “terrible elections cycle” in 2020, she’s “like a dog with a bone.”

“I will not let (legislators) end this session without changing some of these laws,” she said. “They don’t have to change all of them, but they’ve got to change the major parts so that we at least have a shot at winning.”

In an Arizona voting rights case heard by the U.S. Supreme Court in March 2021, an attorney for the Republican National Committee (RNC) named Michael Carvin replied with this answer when asked by Justice Amy Coney Barrett why the RNC was even involved in the Arizona case: “Because it puts us at a competitive disadvantage relative to Democrats. Politics is a zero-sum game, and every extra vote they get through unlawful interpretations of [the *Voting Rights Act*] hurts us.”

The most telling comment of all came from Mississippi Secretary of State Michael Watson when he responded to a question about automatic voter registration: “So, think about all those woke college and university students now who will automatically be registered to vote whether they wanted to or not. You’ve got an uninformed citizen who may not be prepared and ready to vote. Automatically, it’s forced on them: ‘Hey, go make a choice.’ And our country’s going to pay for those choices.”

...which was echoed by another telling comment by Arizona state Representative John Kavanaugh who said that “everybody shouldn’t be voting.” He continued, “Democrats value as many people as possible voting, and they’re willing to risk fraud. Republicans are more concerned about fraud, so we don’t mind putting security measures in that won’t let everybody vote – but everybody shouldn’t be voting.”

Wow, these guys have gotten really good at saying the quiet part out loud.

In Florida, Governor Ron DeSantis signed a bill that limits the number and locations of drop boxes as well as who can collect ballots from them; changes the process for requesting absentee ballots; and – by

far the most alarming thing – gives more power to the partisan election observers who are present when the ballots are counted.

In Texas – the state widely considered to be the most difficult state to vote in already – Republicans almost passed legislation that limits the number of hours polls are open; requires people with disabilities who request mail-in ballots to produce written documentation of their disability; bans drive-through and outdoor voting as well as mass voting sites; restricts drop boxes; empowers poll watchers; and eliminates deputy voter registrars (the people who help voters navigate the voting process).

Even more concerning, the *Houston Chronicle* reports that the bill changes the burden of proof for voter fraud charges in Texas from “clear and convincing evidence” to the “preponderance of the evidence” and “would allow a judge to overturn an election if the total number of ballots found to be fraudulent exceeds the margin of victory. In such cases, a judge could ‘declare the election void without attempting to determine how individual voters voted.’”

Texas Democrats temporarily blocked passage of the Texas bill by walking off the House floor (preventing a quorum), but Governor Greg Abbott quickly reassured Republicans that the bill would be re-introduced in the following legislative session.

In good ‘ol Georgia, Governor Brian Kemp signed a law that forbids the use of mobile polling places and reduces the number of drop boxes, plus shortens the time period before runoff elections which, in effect, reduces the number of voting hours. Also, bizarrely, the law makes giving food and/or drink to people in voting lines an actual criminal offense.

There are also two highly suspicious, and very concerning, power grabs in the Georgia law. The legislation 1) allows electors to challenge the eligibility of an unlimited number of voters, and 2) takes authority away from the Georgia secretary of state and gives it to lawmakers who now have the power to overrule local election boards. Very shady.

Examples of voter suppression are vast and endless. Some of the most obvious ones are discussed elsewhere in these books – things like gerrymandering and voting rights for people with prior criminal convictions, for example – so here we’ll discuss a few others, including unfair voting restrictions, scrubbing the voter rolls, and voter-ID laws.

Let's go straight to Georgia. In 2018, then Republican Secretary of State Brian Kemp ran for governor while, at the same time, was in charge of enforcing Georgia's voting laws. That seems fair, right?

During his race for governor, the Secretary of State's office (as a reminder, led by candidate Kemp) instituted an "exact match" law, which put over 53,000 voter registration applications on hold. "Exact match" laws require that citizens' names on their government-issued IDs must match perfectly their names as listed on the voter rolls. If there is any discrepancy whatsoever – even something like a missing hyphen or a missing middle initial – the name is flagged.

According to the *Associated Press*, in 2018 "Brian Kemp's office cancelled over 1.4 million voter registrations since 2012. Nearly 670,000 registrations were cancelled in 2017 alone...Georgia's population is approximately 32 percent Black, according to the U.S. Census, but the list of voter registrations on hold with Kemp's office is nearly 70 percent Black."

Hmmm....this was an interesting development given that Kemp's opponent in the race for governor, Democrat Stacey Abrams, is Black. Wow! That is just a huge coincidence!

Even though a judge threw out Kemp's unconstitutional "system" right before the election – saying there were "grave concerns for the Court about the differential treatment inflicted on a group of individuals who are predominantly minorities...The election scheme here places a severe burden on these individuals." – Kemp nevertheless (surprise, surprise) won.

< Note: Even though everything went down in Georgia exactly as I described above – and even though Georgia is obviously right back up to its old tricks – I do want to send a shout-out to Brian Kemp for holding the line in the aftermath of the 2020 election. Georgia was in the spotlight big time throughout the "election fraud" business and Governor Kemp, under enormous pressure from Donald Trump and other Republicans, did the right thing over and over. Thank you, Governor Kemp! The problem for you is that we now know you can do better, so please be your best self and stop with these renewed voter suppression shenanigans. >

Now on to scrubbing the voter rolls. The *National Voter Registration Act of 1993* says that states need to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of (A) the death of the registrant; or (B) a change in the residence of the registrant.”

Problem is that it’s very easy for states to weaponize this rule to suppress voters. For example, the Act expressly states that “a State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has not voted or appeared to vote (and, if necessary, correct the registrar’s record of the registrant’s address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.”

Some states are much more aggressive with this process than others, to put it mildly. Take Ohio, for example. Ohio’s so-called *use-it-or-lose-it* law says that if a voter does not participate in just *one* federal election cycle, they are sent a written notice. If the voter does not respond to the written notice – and does not vote within the next four years – they are removed from the voter rolls altogether.

In June 2018, the highest court in the land upheld Ohio’s law as constitutional in the U.S. Supreme Court case *Husted v. A. Philip Randolph Institute*. Similar fights are happening across the nation.

That said, take a bow Ohio! ...for eventually starting to do the right thing. Just months after the Supreme Court decision, in a bid for transparency, Ohio publicly released the names of around 235,000 people that were set to be removed from the voter rolls. Thanks to the hard work of several advocacy groups, Ohio discovered that about 20 percent – or about 40,000 people – should not have been on the list and the list was corrected.

It is a positive sign that Ohio is working to find fair answers because states must significantly improve the accuracy and efficiency of their voter registration systems. The goal is to conduct appropriate maintenance without disenfranchising people, which we know can be tricky.

The Pew Center for the States found that “approximately 24 million – one of every eight – voter registrations in the United States are no longer

valid or are significantly inaccurate; More than 1.8 million deceased individuals are listed as voters; and approximately 2.75 million people have registrations in more than one state.”

Thankfully, they are working with states to upgrade voter registration systems to improve the accuracy of records, streamline processes, and save money, while enhancing the rolls’ integrity.

This effort builds on initiatives already in place in some jurisdictions. With guidance from a working group of 42 experts, including election officials, academics, and technology specialists from more than 20 states, Pew developed a comprehensive plan that uses methods already in place in the private sector and other areas of government to modernize voter registration.

Their approach consists of three core elements: comparing registration lists with other data sources to broaden the base of information used to update and verify voter rolls; using proven data-matching techniques and security protocols to ensure accuracy and security; and establishing new ways voters can submit information online and minimize manual data entry, resulting in lower costs and fewer errors.

These efforts are promising but we still have to be super careful. One study from a lot of smart people found that “there are about three million cases in a national voter file in which 2012 vote records share a common first name, last name, and date of birth. The researchers found that at least one proposed purging strategy would eliminate about 300 registrations used to cast a seemingly legitimate vote for every 1 registration used to cast a double vote”— which is a completely unacceptable outcome.

Getting a handle on this is incredibly important because just a few votes can make an extraordinary difference. Just consider the 2000 presidential election. Before the election, the Florida state legislature decided that the state’s voter rolls should be purged of dead people and felons. Later, it was revealed that the process incorrectly identified thousands of legitimate voters as felons.

To refresh your memory, 2000 was the year that Florida determined the entire election, with George W. Bush winning the presidency by just a few hundred votes. That one mistake literally changed the course of history.

Last but not least, voter-ID laws (separate and apart from “exact match” provisions). This one is not so cut and dried because the data are mixed on this. A study by the National Bureau of Economics says this:

“U.S. states increasingly require identification to vote – an ostensive attempt to deter fraud that prompts complaints of selective disenfranchisement. Using a difference-in-differences design on a 1.3-billion-observations panel, we find the laws have no negative effect on registration or turnout, overall or for any group defined by race, gender, age, or party affiliation.

These results hold through a large number of specifications and cannot be attributed to mobilization against the laws, measured by campaign contributions and self-reported political engagement. ID requirements have no effect on fraud either – actual or perceived. Overall, our results suggest that efforts to reform voter ID laws may not have much impact on elections.”

However, there is contrary evidence from the field. In Wisconsin, there was a drop in African American voter turnout in the 2016 presidential election, which was the first that strict voter-ID laws were implemented.

A survey conducted by the University of Wisconsin-Madison (funded by the Dane County Clerk’s Office) found that 11.2 percent of people eligible to vote in Dane and Milwaukee Counties did not vote because of the new law. This represents at least 16,801 people and could be as high as 23,252 people based on the confidence interval used.

In Kansas, Secretary of State Kris Kobach, the former vice chairman of Donald Trump’s election integrity commission that we discussed earlier, ran for governor in 2018. According to a study by the Government Accountability Office, a 2011 voter-ID law that he pushed for led to a 1.9 to 2.2 percentage point drop in turnout among eligible and registered voters.

I completely understand why voter-ID laws deeply disturb the Black community. The visceral reaction of many Black Americans to this topic is 1000% understandable given their long and painful history of

disenfranchisement, in practically every aspect of their and their ancestors' lives.

However, the evidence to date makes this issue essentially a jump ball, since studies show that ID requirements don't affect turnout, but they have no effect on reducing potential fraud either.

My gut instinct is that Americans need to show some form of identification to be able to vote. In my mind, not requiring an ID is just asking for trouble, whether real or imaginary. Therefore, we need to make it a priority to guarantee that every single American has identification – because voting is certainly not the only obstacle Americans who don't have an ID face.

VOTING RIGHTS & SUPPRESSION PLAN OF ACTION

Read more about voting and elections in Part One, Chapter Three.

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

VOTING RIGHTS

- † Restore the *Voting Rights Act*. Update the pre-clearance formula to address the Supreme Court's concerns.
- † Then, identify states and localities that discriminate against any voter and require them to operate under the new and improved pre-clearance rules.
- † Restructure the Federal Election Commission to guarantee strenuous and fair enforcement.

- † Strengthen the Election Assistance Commission.
- † Demand that nonprofit advocacy groups disclose any donor who gives money for the purpose of influencing a federal election.
- † Extend last-minute major donor reporting requirements to Super PACs.
- † Extend to digital ads the disclosure and disclaimer requirements that currently only apply to broadcast ads.

VOTER SUPPRESSION

- † Knock off the election voter fraud talk. There is absolutely zero evidence of this. It is a straight up lie. < read more about this in Part One, Chapter Three >
- † Embrace “all-mail voting,” but people can still vote in person too! Limit “ballot harvesting.”
- † Demand that partisan gerrymandering end. Encourage all states to use an independent, bipartisan commission to draw the maps.
- † Expand early voting. Encourage Congress to pass legislation to set minimum early voting requirements for states.
- † Fight hard against discriminatory voter laws that target Americans with felony convictions.
- † Expand the *National Voter Registration Act of 1993* to include automatic, permanent voter registration laws.
- † Encourage all states to count their absentee ballots before Election Day to avoid confusion.
- † Encourage states to require that the choosing of electors in the state has to be set at least two months before Election Day.

VOTING SECURITY PLAN OF ACTION

In 2018, the National Academies of Sciences, Engineering, and Medicine published a report called *Securing the Vote: Protecting American Democracy*.

The National Academies of Sciences, Engineering, and Medicine are private, nonprofit institutions that provide independent, objective analysis and advice to the nation to solve complex problems and inform public policy decisions related to science, technology, and medicine. The National Academies operate under an 1863 congressional charter to the National Academy of Sciences, signed by President Lincoln.

Their report “examined the challenges arising out of the 2016 federal election, assessed current technology and standards for voting, and recommended steps that the federal government, state and local governments, election administrators, and vendors of voting technology should take to improve the security of election infrastructure. In doing so, the report provides a vision of voting that is more secure, accessible, reliable, and verifiable.”

The report identifies four parts to ensuring that our voting process is as secure as possible: Components of Elections, Integrity of Elections, Systematic Issues, and the Federal Role. It’s a great place start! The text below is taken directly from their report.

THIS IS A FOUR-PART PLAN:

1. Components of Elections
2. Integrity of Elections
3. Systematic Issues
4. The Federal Role

COMPONENTS OF ELECTIONS

† Voter Registration and Voter Registration Databases

- † Election administrators should routinely assess the integrity of voter registration databases and the integrity of voter registration databases connected to other applications. They should develop plans that detail security procedures for assessing voter registration database integrity and put in place systems that detect efforts to probe, tamper with, or interfere with voter registration systems. States should require election administrators to report any detected compromises or vulnerabilities in voter registration systems to the U.S. Department of Homeland Security, the U.S. Election Assistance Commission, and state officials.
- † Vendors should be required to report to their customers, the U.S. Department of Homeland Security, the U.S. Election Assistance Commission, and state officials any detected efforts to probe, tamper with, or interfere with voter registration systems.
- † All states should participate in a system of cross-state matching of voter registrations, such as the Electronic Registration Information Center (ERIC). States must ensure that, in the utilization of cross-matching voter databases, eligible voters are not removed from voter rolls.
- † Organizations engaged in managing and cross-matching voter information should continue to improve security and privacy practices. These organizations should be subject to external audits to ensure compliance with best security practices.

† Voting by Mail, Including Absentee Voting

- † All voting jurisdictions should provide means for a voter to easily check whether a ballot sent by mail has been dispatched to him or her and, subsequently, whether his or her marked ballot has been received and accepted by the appropriate elections officials.

† Pollbooks

- † Jurisdictions that use electronic pollbooks should have backup plans in place to provide access to current voter registration lists in the event of any disruption.
- † Congress should authorize and fund the National Institute of Standards and Technology, in consultation with the U.S. Election Assistance Commission, to develop security standards and verification and validation protocols for electronic pollbooks in addition to the standards and verification and validation protocols they have developed for voting systems.
- † Election administrators should routinely assess the security of electronic pollbooks against a range of threats such as threats to the integrity, confidentiality, or availability of pollbooks. They should develop plans that detail security procedures for assessing electronic pollbook integrity.

† Ballot Design

- † State requirements for ballot design (inclusive of print, screen, audio, etc.) and testing should use best practices developed by the U.S. Election Assistance Commission and other organizations with expertise in voter usability design (such as the Center for Civic Design).

† Voting Technology

- † States and local jurisdictions should have policies in place for routine replacement of election systems.
- † All local, state, and federal elections should be conducted using human-readable paper ballots as quickly as possible.
- † Elections should be conducted with human-readable paper ballots. These may be marked by hand or by machine (using a ballot-marking device); they may be counted by hand or by machine (using an optical scanner). Recounts and audits should be conducted by human inspection of the human-readable portion

of the paper ballots. Voting machines that do not provide the capacity for independent auditing (e.g., machines that do not produce a voter-verifiable paper audit trail) should be removed from service as soon as possible.

† Computers and software used to prepare ballots (i.e., ballot-marking devices) should be separate from computers and software used to count and tabulate ballots (scanners). Voters should have an opportunity to review and confirm their selections before depositing the ballot for tabulation.

† Voting System Certification

† If the principles and guidelines of the final Voluntary Voting System Guidelines are consistent with those proposed in September 2017, they should be adopted by the U.S. Election Assistance Commission.

† Congress should: a) authorize and fund the U.S. Election Assistance Commission to develop voluntary certification standards for voter registration databases, electronic pollbooks, chain-of-custody procedures, and auditing; and b) provide the funding necessary to sustain the U.S. Election Assistance Commission's Voluntary Voting System Guidelines standard-setting process and certification program.

† The U.S. Election Assistance Commission and the National Institute of Standards and Technology should continue the process of refining and improving the Voluntary Voting System Guidelines to reflect changes in how elections are administered, to respond to new challenges to election systems (e.g., cyberattacks), and to take advantage of opportunities as new technologies become available.

† Strong cybersecurity standards should be incorporated into the standards-setting and certification processes at the federal and state levels.

INTEGRITY OF ELECTIONS

† Election Cybersecurity

- † Election systems should continue to be considered as U.S. Department of Homeland Security-designated critical infrastructure.
- † The U.S. Election Assistance Commission and U.S. Department of Homeland Security should continue to develop and maintain a detailed set of cybersecurity best practices for state and local election officials. Election system vendors and state and local election officials should incorporate these best practices into their operations.
- † The U.S. Election Assistance Commission should closely monitor the expenditure of funds made available to the states for election security through the 2018 omnibus appropriations bill to ensure that the funds enhance security practices and do not simply replace local dollars with federal support for ongoing activities. The U.S. Election Assistance Commission should closely monitor any future federal funding designated to enhance election security.
- † Congress should provide funding for state and local governments to improve their cybersecurity capabilities on an ongoing basis.

† Election Auditing

- † Each state should require a comprehensive system of post-election audits of processes and outcomes. These audits should be conducted by election officials in a transparent manner, with as much observation by the public as is feasible, up to limits imposed to ensure voter privacy.
- † Jurisdictions should conduct audits of voting technology and processes (for voter registration, ballot preparation, voting, election reporting, etc.) after each election. Privacy-protected audit data should be made publicly available to permit others to replicate audit results.

- † Audits of election outcomes should include manual examination of statistically appropriate samples of paper ballots cast.
- † States should mandate risk-limiting audits prior to the certification of election results. With current technology, this requires the use of paper ballots. States and local jurisdictions should implement risk-limiting audits within a decade. They should begin with pilot programs and work toward full implementation. Risk-limiting audits should be conducted for all federal and state election contests, and for local contests where feasible.
- † State and local jurisdictions purchasing election systems should ensure that the systems will support cost-effective risk-limiting audits.
- † State and local jurisdictions should conduct and assess pilots of end-to-end-verifiable election systems in elections using paper ballots.

† Internet Voting

- † At the present time, the Internet (or any network connected to the Internet) should not be used for the return of marked ballots. Further, Internet voting should not be used in the future until and unless very robust guarantees of security and verifiability are developed and in place, as no known technology guarantees the secrecy, security, and verifiability of a marked ballot transmitted over the Internet.
- † U.S. Election Assistance Commission standards and state laws should be revised to support pilot programs to explore and validate new election technologies and practices. Election officials are encouraged to seek expert and public comment on proposed new election technology before it is piloted.

SYSTEMATIC ISSUES

† Election Administrator and Poll Worker Training

- † Congress should provide adequate funding for the U.S. Election Assistance Commission to continue to serve as a national clearinghouse of information on election administration.
- † The U.S. Election Assistance Commission, with assistance from the national associations of state and local election administrators, should encourage, develop, and enhance information technology training programs to educate state and local technical staff on effective election administration.
- † Universities and community colleges should increase efforts to design curricula that address the growing organizational management and information technology needs of the election community.

† The Voting Technology Marketplace

- † Congress should: a) Create incentive programs for public-private partnerships to develop modern election technology; b) Appropriate funds for distribution by the U.S. Election Assistance Commission for the ongoing modernization of election systems; and c) Authorize and appropriate funds to the National Institute of Standards and Technology to establish Common Data Formats for auditing, voter registration, and other election systems.
- † Along with Congress, states should allocate funds for the modernization of election systems.
- † The U.S. Election Assistance Commission and the National Institute of Standards and Technology should continue to collaborate on changes to the certification process that encourage the modernization of voting systems.
- † The National Institute of Standards and Technology should complete the Common Data Format standard for election systems.
- † New election systems should conform to the Common Data Format standard developed by the National Institute of Standards and Technology.

THE FEDERAL ROLE

† Election Administrator and Poll Worker Training

† To improve the overall performance of the election process:

- † The president should nominate and Congress should confirm a full U.S. Election Assistance Commission and ensure that the U.S. Election Assistance Commission has sufficient members to sustain a quorum.
- † Congress should fully fund the U.S. Election Assistance Commission to carry out its existing functions.
- † Congress should require state and local election officials to provide the U.S. Election Assistance Commission with data on voting system failures during elections as well as information on other difficulties arising during elections (e.g., long lines, fraudulent voting, intrusions into voter registration databases, etc.). This information should be publicly available.

† Recommendations On Securing the Future of Voting

- † Congress should provide appropriate funding to the U.S. Election Assistance Commission to carry out the functions assigned to it in the *Help America Vote Act of 2002* as well as those articulated in this report.
- † Congress should authorize and provide appropriate funding to the National Institute of Standards and Technology to carry out its current elections-related functions and to perform the additional functions articulated in this report.
- † Congress should authorize and fund immediately a major initiative on voting that supports basic, applied, and translational research relevant to the administration, conduct, and performance of elections. This initiative should include academic centers to foster collaboration both across

disciplines and with state and local election officials and industry. The U.S. Election Assistance Commission, National Institute of Standards and Technology, U.S. Department of Homeland Security, National Science Foundation, and U.S. Department of Defense should sponsor research to:

- † Determine means for providing voters with the ability to easily check whether a ballot sent by mail has been dispatched to him or her and, subsequently, whether his or her marked ballot has been received and accepted by the appropriate elections officials.
- † Evaluate the reliability of various approaches (e.g., signature, biometric, etc.) to voter authentication.
- † Explore options for testing the usability/comprehensibility of ballot designs created within tight, pre-election timeframes.
- † Understand the effects of coercion, vote buying, theft, etc., especially among disadvantaged groups, on voting by mail and to devise technologies for reducing this threat.
- † Determine voter practices regarding the verification of ballot marking device-generated ballots and the likelihood that voters, both with and without disabilities, will recognize errors or omissions.
- † Assess the potential benefits and risks of Internet voting.
- † Evaluate end-to-end-verifiable election systems in various election scenarios and assess the potential utility of such systems for Internet voting.
- † Address any other issues that arise concerning the integrity of U.S. elections.

NATIONAL SECURITY ISSUES

AUTHORIZATION FOR USE OF MILITARY FORCE (AUMF)

The Congress Shall Have Power...

“To make Rules for the Government and Regulation of the land and naval Forces; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions.”

– U.S. Constitution, Article I, Section 8, Clauses 14-15 –

THE BOTTOM LINE

- † The Lone Wolf mentality of the executive branch has been out of control for two decades.
- † Efforts by the U.S. Congress to use its authority under the *War Powers Resolution* to, for example, block former president Donald Trump from using military force abroad is the coward’s way out.
- † To appropriately comply with the U.S. Constitution, the 2002 AUMF must be repealed and the 2001 AUMF must be repealed and replaced.
- † The only way to protect civilian control of the military is to properly restore congressional war powers.

The 2002 *Authorization for Use of Military Force (AUMF)* should be repealed and the 2001 AUMF should be repealed and replaced. (Note: The House of Representatives voted to repeal the 2002 AUMF on June 17, 2021. The Senate has not yet taken up the measure.)

We must protect civilian control of the military by properly restoring congressional war powers immediately. This is critical not only to protect

our rule of law, but also to ensure that the United States has solid national security objectives and a smart, thoughtful foreign policy strategy. Most importantly, our troops must be certain that the dangerous missions we ask them to engage in are fully warranted and vetted.

Today, we continue to allow our leaders to use a two-decades old congressional authorization – the longest-running authorization for the use of military force in United States history – to justify military actions that clearly fall outside the parameters of the mandate. This violates the U.S. Constitution and deprives Americans the opportunity to demand vigorous debate and appropriate oversight.

Unlike the 2001 AUMF, which failed to include geographic limits or appropriate reporting requirements (and by which, through its ambiguity, allows the executive branch to feel it has way too much power), the new authorization should balance strict oversight with rapid response and operational flexibility.

The new AUMF should include key provisions that address specific targets, specific geographic areas, the role of U.S. special forces, detailed reporting requirements, and an end date for continuing, modifying or repealing it (i.e., a sunset provision). Additionally, it should be crystal clear that any military action against a sovereign nation requires separate congressional approval unless the United States is under imminent attack.

For almost two decades, Congress has avoided tough votes on military action. This irresponsible inaction has essentially given the U.S. president unlimited power to unilaterally make military decisions.

§§§

In 2001, Congress passed the *Authorization of Use of Military Force* (AUMF). The 2001 AUMF is ambiguous in what it does not address, but in other ways it is very specific: “The president is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of

international terrorism against the United States by such nations, organizations or persons.”

We now know that those “nations, organizations, or persons” were, very specifically, al-Qaeda and the Taliban regime in Afghanistan.

In October 2002, Congress passed a second AUMF which gave the U.S. president the authority to: “Use the Armed Forces of the United States as he determines to be necessary and appropriate in order to (1) defend the national security of the United States against the continuing threat posed by Iraq; and (2) enforce all relevant United Nations Security Council resolutions regarding Iraq.” This authorization very specifically refers to Iraq.

Both the Obama and Trump administrations argued that the existing authorizations of force give the U.S. president a green light to fight terrorism beyond al-Qaeda. This is a completely flawed argument. For one, there is zero evidence that the Islamic State is an “associated force” of al-Qaeda in any way. In fact, it’s more like they are in a weird, Jihadist competition with one another.

Even if a modern-day link could be found between these two particular groups, there have been significant changes in the fight against terror since 2001, including expanded geography, violent extremist groups that we know are brand new, and the limits of our exhausted ground forces.

In his June 2021 *War Powers Resolution* letter to Congress, President Biden disclosed that U.S. military personnel are deployed and equipped for combat in at least Afghanistan, Iraq, Syria, Yemen, Saudi Arabia, Jordan, Lebanon, Turkey, Kenya, Djibouti, Libya, the Lake Chad Basin and the Sahel Region of Africa (including Niger), Cuba, Philippines, Egypt, and Kosovo.

To make matters more absurd, absent an updated authorization, Congress is now having to explicitly say what military interventions are not authorized under the current AUMF, which is exactly backward.

For example, in November 2017, the U.S. House issued a non-binding resolution to let everyone know that America’s military assistance to Saudi Arabia in Yemen was not authorized by Congress: “Congress has not enacted specific legislation authorizing the use of military force against parties participating in the Yemeni civil war that are not otherwise

subject to the *Authorization of Use of Military Force* or the *Authorization of Use of Military Force in Iraq*.”

Congress has also developed the habit of using its authority under the 1973 *War Powers Resolution* to block presidents (namely Donald Trump) from using military force abroad.

The first time was in late 2018, when the Senate ordered an end to American military operations in Saudi Arabia’s war in Yemen, which was essentially a bombing campaign against Yemen’s Houthi rebels. < Note: Even though I don’t agree with Congress’ method of interceding, it’s good that they did something. The situation in Yemen is a humanitarian catastrophe, as bombs targeted civilian facilities and prevented critical aid shipments from getting to Yemenis. Read more about this in the Saudi Arabia section of this book. >

The second was in 2019, when the House and Senate both agreed to curtail American military involvement in Yemen, a measure that was vetoed by Donald Trump, and the third was in February 2020, in response to the drone attack that killed Iranian Commander Maj. Gen. Qassim Suleimani. Suleimani was a senior official of the Islamic Republic of Iran who was close to Iran’s supreme leader, Ayatollah Ali Khamenei, and the commander of the Quds Force, the agency that is part of Iran’s formal military structure that is responsible for Iran’s covert military operations.

This is a ridiculous process, not to mention unconstitutional and dangerous. Members of Congress need to do their damn job. *We the People* must be diligent about demanding a new authorization of force because this is the slipperiest of slippery slopes.

President Obama repeatedly violated our rule of law by going far beyond the parameters of the 2001 AUMF mandate, and Donald Trump did the same multiple times.

According to the U.S. Department of Defense, American military actions (aircraft-conducted air strikes and/or ground combat) killed 499 civilians in Iraq, Syria, Afghanistan and Yemen in 2017, while “more than 450 reports of civilian casualties from 2017 remained to be assessed.” Additionally, 169 civilians were injured. Notice Syria and Yemen are included in that list.

In March 2017, Donald Trump granted the U.S. military more authority to attack al Shabaab militants (an extremist group linked to al-

Qaeda) in Somalia. Okay, at least there is some tie to an originally named AUMF target in that conflict.

But three months later, a U.S. fighter jet shot down a Syrian warplane. Even though nothing about this attack had anything to do with 9/11, then Chairman of the Joint Chiefs of Staff General Joseph F. Dunford Jr. said: “We have all of the legal authority that we need right now to prosecute al-Qaeda, ISIS, other affiliated groups.”

Again, I disagree with this premise but, to his credit, he went on to say that his “recommendation to the Congress was that they pass an authorization of use of military force.”

In April 2018, Donald Trump ordered airstrikes against Syrian government forces to disrupt Syria’s ability to use chemical weapons – and he did so without permission from the U.S. Congress or the United Nations (the United Nations Charter is a U.S.-ratified treaty that prohibits the threat or use of force except when authorized by the United Nations Security Council or in a self-defense claim).

The Trump administration’s claim was that “the President’s direction was consistent with many others taken by prior Presidents.” They further explained that, before the attack, “(Trump) reasonably determined that the use of force would be in the national interest and that the anticipated hostilities would not rise to the level of a war in the constitutional sense.”

Although I particularly appreciate the first part of the response – it’s the same one I used in high school to explain that “everyone else” also got drunk at the lake and blew curfew – these unilateral actions are 100% unlawful under the U.S. Constitution. Syria had nothing to do with the 9/11 terrorist attacks, nor are Syria and al-Qaeda associated allies.

None of these actions are sanctioned by the 2001 AUMF and they are not justified under Donald Trump's Article II authority either:

Article II, Section 2 of the U.S. Constitution says that “the President shall be Commander-in-Chief of the Army and Navy of the United States.” However, the War Powers Resolution, a U.S. Congress joint resolution that was passed in 1973, clarifies that “the constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly

indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.” Further, “the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth (A) the circumstances necessitating the introduction of United States Armed Forces; (B) the constitutional and legislative authority under which such introduction took place; and (C) the estimated scope and duration of the hostilities or involvement.”

Even further, “Within sixty calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States. Such sixty-day period shall be extended for not more than an additional thirty days if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.”

The Lone Wolf mentality of the executive branch is out of control. If we allow missile strikes against Syria to happen without authorization from Congress, what is to stop any administration from...oh...let's say attacking Iran or North Korea?

Let that sink in America.

BIOLOGICAL WARFARE

Threats such as biological weapons and outbreaks of pandemic diseases present an increasingly significant national security risk.

Biological weapons deliver toxins and microorganisms (i.e., viruses and bacteria) to intentionally inflict disease, and they typically consist of two parts – a weaponized agent and a delivery mechanism (i.e., missiles, bombs, hand grenades, spray-tanks). The threat extends to humans, animals and agriculture.

Covid-19, the highly infectious coronavirus that rapidly spread across the world, is a perfect example of how disruptive this type of warfare would be.

The Bipartisan Commission on Biodefense, a privately funded entity that assesses U.S. biodefense efforts, released a report in October 2015 that warned in part, “We have reached a critical mass of biological crises. Myriad biological threats, vulnerabilities, and consequences have collectively and dramatically increased the risk to the nation.” The report contained 33 recommendations and 87 corresponding action items to “strengthen the federal government’s biodefense policies and programs.”

Although the Trump administration moved forward with one of the key recommendations in September 2018 – establishing the National Biodefense Strategy and directing its implementation – the federal government still did not do enough, fast enough, leading the Commission to write this in their March 2021 report:

“Three years later, Covid-19 disrupted the global economy and every society in the world. The disease has taken hundreds of thousands of lives in the United States, many that might have been spared had our country taken more preventative action to strengthen national biodefense. Despite warnings from public health professionals and our Commission, the country was caught unprepared by the pandemic. Today, America is better prepared than before the current Covid-19 crisis, but still remains dangerously vulnerable to biological threats.”

We need to get this done. Now! It's important to keep in mind that terrorist attacks remain difficult to predict and prevent due to the broad range of targets available and the fact that few operatives are needed to pull them off. Therefore, the most important thing we as citizens can do is continue to strengthen our *resilience*. Bad things will happen on occasion, and as a society, we need to have the capacity to quickly absorb the event, recover, then move forward. (more on this in a few minutes)

BIOLOGICAL WARFARE PLAN OF ACTION

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

- † Completely overhaul how the Strategic National Stockpile is operated and maintained. Restore checks and balances.
- † Shift the stockpile's formula for distributing supplies from population-based to need-based.
- † Stop substituting "just-in-time" supply chains for the Strategic National Stockpile (SNS)...which is the entire point of the SNS in the first place.
- † Demand strict checks and balances on lobbying to prevent frivolous spending on unnecessary, expensive drugs.
- † Ensure that the National Institutes of Health is properly funded and supported.
- † Address the massive shortage we face in specialists who have the ability to diagnosis and treat Superbugs (antibiotic-resistant microbes).
- † Increase funding to fight Biological Warfare agents (microorganisms like virus, bacteria, fungi, protozoa or toxins).

- † Support public-private initiatives that develop superior drugs, vaccines and diagnostic tests.
- † Ensure effective biosurveillance and shared situational awareness – Coordinate!
- † Build a well-funded, comprehensive public health system.
- † Champion highly knowledgeable, innovative health care providers, hospitals and public health agencies.
- † Massively lower the risk of harm from future viral outbreaks by supporting the Global Virome Project.

CLUSTER MUNITIONS

The Biden administration **should not** have sent American-made cluster munitions to Ukraine in July 2023. Thanks to the *Convention on Cluster Munitions*, 123 nations have agreed to never use, transfer, produce or stockpile cluster munitions (the United States, Russia and Ukraine still allow their use). Further, Germany, France, Canada, the Netherlands and several other of our NATO allies opposed President Biden’s decision.

Because cluster bombs explode in midair above targets – releasing dozens to hundreds of “bomblets” across an exceptionally wide area – there is a significant increase in the chance innocent civilians will be injured or killed. Children are especially at-risk because the submunitions that are initially released can fail to explode... that is, until a child picks them up years later.

Not only should the Biden administration have not sent these unacceptable weapons, but the United States should join the landmark treaty banning them without delay.

COUNTERINSURGENCY

Counterinsurgency is the “comprehensive civilian and military efforts designed to simultaneously defeat and contain insurgency and address its root causes.” 1787 supports the current United States guidelines for Counterinsurgency.

The text below is taken directly from the *U.S. Government Counterinsurgency Guide*. For additional information, read the Joint Publication 3-24, Counterinsurgency & FM 3-24 MCWP 3-02, Insurgencies and Countering Insurgencies:

“Insurgency is the organized use of subversion and violence to seize, nullify or challenge political control of a region. As such, it is primarily a political struggle, in which both sides use armed force to create space for their political, economic and influence activities to be effective.

Insurgency is not always conducted by a single group with a centralized, military-style command structure, but may involve a complex matrix of different actors with various aims, loosely connected in dynamic and non-hierarchical networks. To be successful, insurgencies require charismatic leadership, supporters, recruits, supplies, safe havens and funding (often from illicit activities). They only need the active support of a few enabling individuals, but the passive acquiescence of a large proportion of the contested population will give a higher probability of success.

This is best achieved when the political cause of the insurgency has strong appeal, manipulating religious, tribal or local identity to exploit common societal grievances or needs. Insurgents seek to gain control of populations through a combination of persuasion, subversion and coercion while using guerrilla tactics to offset the strengths of government security forces. Their intent is usually to protract the struggle, exhaust the government and win sufficient popular support to force

capitulation or political accommodation. Consequently, insurgencies evolve through a series of stages, though the progression and outcome will be different in almost every case.

Counterinsurgency (COIN) is the blend of comprehensive civilian and military efforts designed to simultaneously contain insurgency and address its root causes. Unlike conventional warfare, non-military means are often the most effective elements, with military forces playing an enabling role. COIN is an extremely complex undertaking, which demands of policy makers a detailed understanding of their own specialist field, but also a broad knowledge of a wide variety of related disciplines. COIN approaches must be adaptable and agile.

Strategies will usually be focused primarily on the population rather than the enemy and will seek to reinforce the legitimacy of the affected government while reducing insurgent influence. This can often only be achieved in concert with political reform to improve the quality of governance and address underlying grievances, many of which may be legitimate. Since U.S. COIN campaigns will normally involve engagement in support of a foreign government (either independently or as part of a coalition), success will often depend on the willingness of that government to undertake the necessary political changes. However great its know-how and enthusiasm, an outside actor can never fully compensate for lack of will, incapacity or counter-productive behavior on the part of the supported government.”

This guide employs a COIN model that comprises four functions:

- † The political function is the key function, providing a framework of political reconciliation, and reform of governance around which all other COIN activities are organized. In general, a COIN strategy is only as good as the political plan at its heart.

- † The economic function seeks to provide essential services and stimulate long term economic growth, thereby generating confidence in the government while at the same time reducing the pool of frustrated, unemployed young men and women from which insurgents can readily recruit.
- † The security function is an enabler for the other functions and involves development not just of the affected nation’s military force, but its whole security sector, including the related legal framework, civilian oversight mechanisms and judicial system. Establishing security is not a precursor to economic and governance activity: rather security, economic and governance activity must be developed in parallel.
- † The information function comprises intelligence (required to gain understanding), and influence (to promote the affected government’s cause). It is essential that the influence campaign is in tune with the strategic narrative, resonates with the relevant audiences, is based on genuine resolve by the affected government and that physical actions match. What makes COIN different from other stabilization and humanitarian tasks is that both elements of the information function will be conducted in stark competition with the insurgents’ own information functions.

The report continues:

“These four functions contribute to the overall objective of enabling the affected government to establish control, consolidating and then transitioning it from intervening forces to national forces and from military to civil institutions.

The imperative to achieve synergy among political, security, economic and information activities demands unity of effort among all participants (the affected government, U.S. government agencies and coalition partners). This is best

achieved through an integrated approach to assessment and planning. A common interagency assessment of the insurgency establishes a deep and shared understanding of the cultural, ideological, religious, demographic and geographical factors that affect the insurgency.

Such understanding provides the foundation for policy formulation when the risks and costs of intervention are weighed against U.S. interests in determining whether to become involved and what form that involvement should take. This decision should not be taken lightly; historically COIN campaigns have almost always been more costly, more protracted and more difficult than first anticipated. Much will hinge on the degree to which policy makers consider the affected government to be receptive to assistance, advice and reform; it is folly to intervene unless there is a reasonable likelihood of cooperation.

If the USG does decide to become involved, then policy makers should seek a careful balance which employs the most appropriate, most indirect and least intrusive form of intervention yet still gives a high probability of achieving the necessary effect. The sovereignty of the affected government must be maintained and too high a U.S. profile may be counter-productive (historically, some of the most successful U.S. engagements have been indirect and low key).

Once U.S. assistance is committed, a COIN strategy must be devised, ideally in collaboration with the affected government and other coalition partners, since their early inclusion can help mitigate the effects of operational level differences in goals, capabilities and culture. Detailed, integrated planning then follows and a process of continuous monitoring, evaluation and assessment is used to measure progress and identify where changes in approach are necessary to achieve success.

Success in COIN can be difficult to define, but improved governance will usually bring about marginalization of the insurgents to the point at which they are destroyed, co-opted or reduced to irrelevance in numbers and capability. U.S. intervention may cease when success is assured but before it is

actually achieved. Ultimately, the desired end state is a government that is seen as legitimate, controlling social, political, economic and security institutions that meet the population's needs, including adequate mechanisms to address the grievances that may have fueled support of the insurgency.”

CYBERSECURITY

In early May 2021, Colonial Pipeline, a private company, announced it had been the victim of a ransomware attack. A Russian-speaking criminal extortion ring called DarkSide had taken control of a 5,500-mile pipeline operated by Colonial, then sent the company a ransom note that said, “Your computers and servers are encrypted, backups are deleted. We use strong encryption algorithms, so you cannot decrypt your data.”

The note continued: “You can restore everything by purchasing a special program from us – universal decryptor,” which “will restore all your network.” < Note: Remarkably, within a month, the U.S. Department of Justice had recovered \$2.3 million of the Bitcoin ransom Colonial paid to DarkSide, defying the notion that cryptocurrency is untraceable. >

In addition, DarkSide stole over 6 million pages of Colonial’s proprietary data, threatening that the information would be “automatically published” online if the ransom was not paid. Colonial Pipeline provides 45 percent of the East Coast’s fuel supplies (i.e., gasoline, jet fuel and diesel) so needless to say, the disruption in the Northeast was massive.

Three weeks later, multiple meat processing plants operated by JBS – the world’s largest meat supplier – were the target of a massive cyberattack, as was Kaseya, an IT company, a few weeks after that. U.S. intelligence officials confirmed the perpetrator of both attacks to be REvil, a cybercriminal, “ransom for service” organization based in Russia that allows other criminal groups to use its software for a fee.

< In November 2021, American and European authorities announced the arrest of several members of REvil, two of which were found in Romania. Around the same time, a Ukrainian national named Yaroslav Vasinskyi was indicted for the attack against Kaseya. His alleged partner in crime, a Russian national, is still at large. >

Cyberattacks, cyber-terrorism and cyber-espionage pose an increasingly significant risk to the United States. This is a top national security priority of the highest order. It is imperative that we have a comprehensive national cybersecurity strategy that thoroughly protects everything from our infrastructure to our intelligence databases.

Cyber threats are more ominous now that we have become increasingly reliant on technology, and information technology and physical infrastructure have become more interconnected. Malicious cyber actors, nation-states and just plain bad people use cyberspace to do everything from steal information to disrupt the delivery of basic services to interfere in our elections, not to mention other crimes such as child pornography, financial fraud, and intellectual property theft.

The *Annual Threat Assessment* from the U.S. Director of National Intelligence, released on April 9, 2021, warns that:

- † During the last decade, state sponsored hackers have compromised software and IT service supply chains, helping them conduct operations – espionage, sabotage, and potentially prepositioning for warfighting.
- † Cyber threats from nation states and their surrogates will remain acute. Foreign states use cyber operations to steal information, influence populations, and damage industry, including physical and digital critical infrastructure. Although an increasing number of countries and nonstate actors have these capabilities, we remain most concerned about Russia, China, Iran, and North Korea. Many skilled foreign cybercriminals targeting the United States maintain mutually beneficial relationships with these and other countries that offer them safe haven or benefit from their activity.
- † States’ increasing use of cyber operations as a tool of national power, including increasing use by militaries around the world, raises the prospect of more destructive and disruptive cyber activity. As states attempt more aggressive cyber operations, they are more likely to affect civilian populations and to embolden other states that seek similar outcomes.
- † Authoritarian and illiberal regimes around the world will increasingly exploit digital tools to surveil their citizens, control

free expression, and censor and manipulate information to maintain control over their populations. Such regimes are increasingly conducting cyber intrusions that affect citizens beyond their borders – such as hacking journalists and religious minorities or attacking tools that allow free speech online – as part of their broader efforts to surveil and influence foreign populations.

- † Democracies will continue to debate how to protect privacy and civil liberties as they confront domestic security threats and contend with the perception that free speech may be constrained by major technology companies. Authoritarian and illiberal regimes, meanwhile, probably will point to democracies' embrace of these tools to justify their own repressive programs at home and malign influence abroad.

The same report released on March 8, 2022 went on to say:

- † Transnational cyber criminals are increasing the number, scale, and sophistication of ransomware attacks, fueling a virtual ecosystem that threatens to cause greater disruptions of critical services worldwide. These criminals are driven by the promise of large profits, reliable safe havens from which to operate, and a decreasing technical barrier to entry for new actors.
- † Many major transnational cybercrime groups have diversified business models that engage in direct wire-transfer fraud from victims, or use other forms of extortion alongside or in place of ransomware. In 2020, business-e-mail compromise, identity theft, spoofing, and other extortion schemes ranked among the top five most costly cybercriminal schemes.
- † U.S. Government entities, businesses, and other organizations face a diverse range of ransomware threats. Attackers are innovating their targeting strategies to focus on victims whose business operations lack resilience or whose consumer base

cannot sustain service disruptions, driving ransomware payouts up.

It is way past time to get this under control. Ransomware is just one of the threats. Russia's guerilla-style brand of cyber asymmetric-warfare has been targeting America for decades.

James Andrew Lewis, Senior Vice President of the Center for Strategic and International Studies, explains that "Russia is a haven for the most advanced cybercrime groups and no clear line delineates the criminal world from the government. The Kremlin sees Russian cybercriminals as a strategic asset, and one of the most difficult problems for reducing cybercrime is that Russia, along with North Korea, will not cooperate with Western law enforcement. High-end cybercriminal groups in Russia have hacking capabilities that are better than most nations for both criminal and intelligence purposes."

Moonlight Maze, Russia's three-year covert operation to hack into U.S. governmental agencies, started in 1996 and penetrated both NASA and the Pentagon. In fact, Moonlight Maze is the reason the U.S. Cyber Command center was created in the first place.

Unfortunately, Russia has just gotten better and better at it through the years, so much so that we now are engaged in an ongoing and unrelenting cyberconflict. This battle reached deep into the good 'ol USA when the Russians significantly intervened in the 2016 presidential election, then yet again in 2020 when they unleashed the mother of all cyberattacks against us.

In Spring 2020, as Americans were settling into Covid lockdown and the U.S. cyber-defense agencies were obsessively focused on protecting the upcoming presidential election, Russian hackers known as APT29 and Cozy Bear – the pride of the Foreign Intelligence Service of the Russia Federation (SVR) – launched a massive cyber hack against the United States of America.

A large portion of the hack was facilitated by software called Orion, which is made by SolarWinds, a company that makes network monitoring software used by at least 425 of the Fortune 500 companies, media companies, and most of our governmental agencies.

For years, SolarWinds has been accused of having insufficient security for its products, but for some reason the U.S. government and large corporations kept using them anyway.

In the end, thousands of people, both inside and outside of the U.S. government, downloaded the corrupted software, giving the Russians a way to create hidden back doors to access each user's network. The hack is believed to have reached at least 250 United States federal agencies and American corporations, including Microsoft and Amazon.

In my mind, this went way beyond spying, which most every country does to some degree. Instead, this was a global espionage supply chain attack that compromised U.S. intelligence agencies; nuclear laboratories; Fortune 500 companies; companies that monitor and protect critical domestic infrastructure; the National Institutes of Health; and the U.S. departments of State, Treasury, Commerce and Energy. The Department of Defense adamantly denies that the attacks penetrated its systems, although we have yet to see proof of that.

The National Nuclear Security Administration, which oversees our nuclear stockpile, was also breached, as was the Los Alamos National Laboratory, where most of our nuclear weapons are designed.

The Federal Energy Regulatory Commission (FERC) was compromised, which may not seem like a big deal until you find out that FERC is responsible for *Black Start*, the United States' strategy for restoring power if we ever experience a disastrous national blackout (which you can bet is already on Russia's attack checklist).

The Department of Homeland Security and the Pentagon were also hit, which is ironic given they are the very departments tasked with protecting our networks.

All of this, even though the United States has thrown billions after billions after billions of dollars to prevent this from happening.

It's not like we hadn't been warned. We have been, for decades. Well before Colonial Pipeline and Russia's latest cyber-attacks, a white paper released by the Cyberspace Solarium Commission – a commission established to “develop a consensus on a strategic approach to defending the United States in cyberspace against cyberattacks of significant consequences” – put it this way:

“The reality is that we are dangerously insecure in cyber. Your entire life – your paycheck, your health care, your electricity – increasingly relies on networks of digital devices that store, process, and analyze data. These networks are vulnerable, if not already compromised. Our country has lost hundreds of billions of dollars to nation-state-sponsored intellectual property theft using cyber espionage. A major cyberattack on the nation’s critical infrastructure and economic system would create chaos and lasting damage exceeding that wreaked by fires in California, floods in the Midwest, and hurricanes in the Southeast.”

The Trump administration engaged in a new approach to cybersecurity, complete with a new directive to eliminate the Obama-era interagency approval process needed to launch offensive cyber strikes.

The *National Cyber Strategy* released by the Trump administration said that “the United States has sanctioned malign cyber actors and indicted those that have committed cyber-crimes.” It goes on to say that America will “preserve peace and security by strengthening the United States’ ability – in concert with allies and partners – to deter and, if necessary, punish those who use cyber tools for malicious purposes.” So far, so good.

However, the document also declared, “We will *defend forward* to disrupt or halt malicious cyber activity at its source, including activity that falls below the level of armed conflict.” More specifically, it says we will “defend forward by leveraging our focus outward to stop threats *before* they reach their targets.”

I remember thinking at the time that this did not seem like the best idea. To me, it felt like not only a distraction, but also a provocative approach that would do nothing more than borrow trouble. In many ways, the latest Russian hacks validate my concerns. I wonder if we were so busy “defending forward” that we weren’t watching our own backs.

Cyber-warfare creates an entirely new battlefield, and our adversaries are really, really good at it. Like it or not, the worldwide cyber battlefield is essentially even. It is going to take tons of resources and most of our cyber capabilities to identify our vulnerabilities and prepare our defense,

and we don't need any tit-for-tat distractions. At least at this early stage, focusing on offense rather than defense will, at best, serve as a major distraction and, at worst, escalate cyber wars across the globe.

CYBERSECURITY PLAN OF ACTION

Read more about Cybersecurity in Part One, Chapter Four.

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

- † Support the Cyberspace Solarium Commission's strategy of layered cyber deterrence and embrace their 80+ recommendations.
- † Support the National Security Telecommunications Advisory Committee's cybersecurity "moonshot" approach.
- † Find out exactly what went wrong with the National Cybersecurity Protection System, then fix it immediately!
- † Establish better cooperation among all emergency agencies involved and make certain they are prepared to respond to a cyberattack.
- † To that end, expand the new Cybersecurity and Infrastructure Security Agency (CISA), which is tasked with coordinating between the public and private sectors.
- † Begin a global conversation with our cyber-adversaries. A comprehensive agreement would be touch to achieve, but we can start with coming to an agreement on domestic nuclear facilities and international financial systems.

- † Support the Cyber Threat Intelligence Integration Center’s mission to build awareness, integrate analysis, and identify opportunities.
- † Establish a federal agency to investigate cyber security attacks and make recommendations on how to prevent future security breaches.
- † Pass a law that requires companies to disclose data breaches faster, much like they do in the European Union.
- † Harshly punish those who use cyber tools for malicious purposes. Focus on defense-oriented (not offense-oriented) cyber-operations.
- † Better secure all federal information systems, cyber critical infrastructure, and protect the privacy of personally identifiable information (PII).
- † Share information with stakeholders who own and operate critical infrastructure – both cyber and physical – across a variety of sectors.
- † Convert every U.S. Military base to independent microgrids, a local system of distributed energy resources and electrical loads.
- † Support electric grid security through strategies that include mandatory standards, information sharing, and strategic partnerships.
- † Strengthen the Bureau of International Narcotics and Law Enforcement Affairs (INL).

DEPARTMENT OF HOMELAND SECURITY

In a panicked response to the 9/11 terrorist attacks, the *Homeland Security Act of 2002* combined 22 national security-related agencies from across five departments – creating a super-duper-uber agency: The Department of Homeland Security.

Problem is, each of these agencies was already subject to oversight by numerous congressional committees and subcommittees. As a result, from the very beginning, the Department of Homeland Security (DHS) oversight was convoluted, confusing, and ineffective. This has not only created chaos and caused major turf wars, but it also has wasted massive time and resources. The entire thing has been a hot mess for two decades.

Enter Donald Trump, who badly damaged the department’s already shaky reputation by getting its employees to do his dirty work. This included separating children from their parents; facilitating the Muslim travel ban; hassling foreign students who actually had visas; harshly shutting down asylum-seekers at the border; sending tactical teams (uninvited) into states to tear-gas and otherwise manhandle innocent protesters; sidestepping Congress to divert money from the Department of Defense’s budget to the border wall (which, by the way, is unconstitutional); and aggressively “protecting” federal property.

Because of the complete disarray, outside influences have pretty much done whatever the heck they want. Since 9/11, the government has authorized billions of dollars to “protect” our homeland – sending contractors, consultants, lobbyists, academics, bureaucrats and everyone in between into an absolute *dollar sign in their eyes* frenzy. Hundreds of billions of dollars have been spent with practically no accountability. Essentially, the plan was to throw a bunch of money at a million different things to see what would stick. Unfortunately, a lot didn’t.

Obviously, we need to make some serious changes. One of the most pressing issues is oversight. In the *9/11 Commission Report*, it was recommended that Congress “create a single, principal point of oversight and review for homeland security.” This has never happened, however, and oversight is still shared among 92 – 92! – committees and subcommittees.

DEPARTMENT OF HOMELAND SECURITY
PLAN OF ACTION

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

A case can be made for dismantling the Department of Homeland Security entirely, but 1787 believes a more workable approach is to reorganize and reimagine the agency.

- † Implement safeguards to make sure the Department of Homeland Security never again becomes politicized like it did under Donald Trump. The DHS was never intended to be the president's personal police force. This isn't Russia.

- † Significantly and comprehensively reorganize the agency. To start, we recommend two principal points of oversight: The *Homeland Security Committee* in the House of Representatives and the *Homeland Security and Governmental Affairs Committee* in the Senate. This is a job for *Operation Overhaul* (see Part Two of this book series).

FOREIGN INTELLIGENCE SURVEILLANCE COURT (FISC)

FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 (FISA)

THE BOTTOM LINE

- † The Department of Justice Inspector General’s report *Review of Four FISA Applications and Other Aspects of the FBI’s Crossfire Hurricane Investigation* underscores the need to reform the government’s incredibly powerful but secret intelligence court.
- † The Foreign Intelligence Surveillance Court (FISC) relies on secrecy and, given the sensitive decisions they make, that is understandable to a certain degree – mainly because of the way the judges interact with the government to get to the bottom of weaknesses in FISA applications and concerns regarding the legal requirements involved. However, as required by the 2015 *U.S.A. Freedom Act* – which requires U.S. intelligence agencies to undergo a declassification review legal analysis of their opinions – the court’s opinions should be published.
- † Law enforcement agencies should be required to obtain warrants before being able to search through the NSA’s records database. Absent a warrant, these searches violate the right of privacy for Americans protected by the Fourth Amendment, as well as the rights of free speech and association protected by the First Amendment. Not to mention the prevailing law of the land, decided by the 1972 Supreme Court case, *United States v. United States District Court* (commonly known as the “Keith” case), which holds that the executive branch has no authority to spy on U.S. citizens on U.S. soil without a warrant, even when issues of national security are at stake.

- † A warrant should be obtained every time a U.S. citizen is targeted and monitored, even if the U.S. citizen is deemed an “associate” of a targeted foreigner. For the same reasons as above.
- † The Chief Justice of the United States can continue to designate the judges, but the appointments should be subject to Senate approval.

The *Foreign Intelligence Surveillance Court* (FISC) relies on secrecy and, given the sensitive decisions they make, that is understandable to a certain degree – mainly because of the way the judges interact with the government to get to the bottom of weaknesses in FISA applications and concerns regarding the legal requirements involved.

However, as required by the 2015 *U.S.A. Freedom Act* – which requires U.S. intelligence agencies to undergo a declassification review legal analysis of their opinions – the Court’s opinions should eventually be published.

Let’s be honest, courts that met *ex parte* – or where only the judge and the government are present – is not exactly the American way. As the U.S. Supreme Court observed in *Richmond Newspapers, Inc. v Virginia*, “People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.”

We need to put into place as many safeguards as possible to promote diversity and discourage group think and bias within the FISC. The current process does not ensure against these. Currently, “the Court sits in Washington D.C. and is composed of eleven federal district court judges who are designated by the Chief Justice of the United States. Each judge serves for a maximum of seven years and their terms are staggered to ensure continuity on the Court. By statute, the judges must be drawn from at least seven of the United States judicial circuits, and three of the judges must reside within 20 miles of the District of Columbia. Judges typically sit for one week at a time, on a rotating basis.”

Problem here is that if you only have one person choosing every single judge, they are more likely than not to have a singular thought process. Bad idea.

The *Foreign Intelligence Surveillance Act* of 1978 (FISA) “sets out procedures for physical and electronic surveillance and collection of foreign intelligence information. Initially, FISA addressed only electronic surveillance but has been significantly amended to address the use of pen registers and trap and trace devices, physical searches, and business records. FISA also established the United States Foreign Intelligence Surveillance Court (FISC), a special U.S. Federal court that holds nonpublic sessions to consider issuing search warrants under FISA. Proceedings before the FISC are *ex parte*, meaning the government is the only party present.”

After the 9/11 terrorist attacks, Congress passed sweeping legislation designed to enhance American counterterrorism efforts. This included the *USA PATRIOT Act*, which significantly increased the federal government’s authority to gather, analyze and investigate private information related to U.S. citizens.

Section 215 of the *PATRIOT Act* amended Sections 501 - 503 of the FISA and allowed the collection of “any tangible things (including books, records, papers, documents, and other items) for an investigation to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution.”

After Edward Snowden’s massive stolen document dump (you can read more about this in the *Whistleblowers* section), it was discovered that Section 215 had been used as a rationale to collect *Americans’* telephone records in bulk, which didn’t go down well with *We the People*.

So, in 2015, Congress passed the *USA Freedom Act* to end the NSA’s bulk collection program. This didn’t really end bulk surveillance of Americans but replaced it with a much narrower authority, requiring that a “specific selection term” must be used to collect metadata.

Meanwhile, in 2008, another piece of aggressive legislation was passed. Section 702 of FISA removed the requirement from the original FISA that required the government to obtain a warrant from the FISA Court when seeking to wiretap communications between a foreign target and an American that was communicating from inside the United States.

Section 702 also significantly broadened the parameters of targeting foreign targets, which included those not suspected of any nefarious behavior.

The problem is that, although the target must still be a non-American located overseas, Section 702 surveillance inevitably picks up *the other side of the conversations* as well – which is called “incidental collection.”

Obviously, incidental collection may pick up the conversations from Americans who are stateside. Although Section 702 requires intelligence agencies to “minimize the retention and prohibit the dissemination of non-publicly available information concerning unconsenting United States persons,” this doesn’t always happen, as you can well imagine.

For example, agencies are allowed to search through Section 702 data – without a warrant – for information to use against Americans in ordinary criminal cases.

That’s outrageous. And unconstitutional.

FOREIGN INTERNAL DEFENSE

1787 supports the current United States guidelines for Foreign Internal Defense. Foreign Internal Defense is the “participation by civilian agencies and military forces of a government or international organizations in any of the programs and activities undertaken by a host nation government to free and protect its society from subversion, lawlessness, insurgency, terrorism, and other threats to its security.”

The text below is taken directly from *Joint Publication 3-22, Foreign Internal Defense*:

“Foreign Internal Defense (FID) is the participation by civilian agencies and military forces of a government or international organization in any of the programs or activities taken by a host nation government to free and protect its society from subversion, lawlessness, insurgency, violent extremism, terrorism, and other threats to its security.

The United States Government applies FID programs or operations within a whole-of-government approach to enhance a host nation internal defense and development program by specifically focusing on an anticipated, growing, or existing internal threat. A FID program would typically be supported by the Department of Defense through routine security cooperation activities as part of the geographic combatant commander’s theater campaign plan. FID may be planned and implemented as a program, an operation, or both. FID programs primarily entail security cooperation activities (programs and authorities) integrated with interagency activities, as required, and under the coordinating authority of the U.S. embassy country team as approved by the chief of mission. A joint force commander typically commands the FID operation, which may involve indirect support (training host nation security forces), direct support (e.g., intelligence cooperation, logistic support, and civil-military operations [CMO]), and FID U.S. combat operations, all

in unified action with interagency and multinational partners as required.

A host nation internal defense and development program encompasses the full range of measures taken by a nation to promote its growth and protect itself from subversion, sabotage, lawlessness, insurgency, terrorism, violent extremism, and other threats to its security. Internal defense and development programs focus on both internal security and building viable civic, social, and economic institutions that respond to the needs of the host nation populace. Based on U.S. national security strategy, interests, and risk evaluation, a United States Government assessment can inform a policy decision to provide U.S. foreign assistance to that Internal Defense and Developments program. U.S. involvement may vary from simple military engagement and routine security cooperation activities within a FID program up to a complex FID operation. A FID program can also support other activities like counterterrorism, counterdrug, countering some other large or trans-regional extremist movement or criminal enterprise rather than counterinsurgency, or countering threat networks.

One of the characteristics of FID is that it involves all the instruments of national power (diplomatic, informational, military, and economic).”

The Foreign Internal Defense categories are:

- † Indirect support focuses on building strong national infrastructures through economic and military capabilities that contribute to self-sufficiency, typically through security cooperation activities.
- † Direct Support (Not Involving U.S. Combat Operations). These operations involve the use of U.S. forces to provide direct assistance to the host nation civilian populace or military. Direct support operations are normally conducted when the host nation has not

attained self-sufficiency and is faced with social, economic, or military threats beyond its capability to handle.

- † U.S. Combat Operations. The introduction of U.S. combat forces during FID requires a Presidential decision and serves only as a temporary solution until host nation forces are capable of conducting independent combat operations. Based on the assessment of the threat, the United States-host nation combat operations will likely take the form of one or more of either counterinsurgency, counterterrorism, counterdrug, or stabilization.

MILITARY FAMILIES

You are selfless. You are brave.
You are the very best of America.
Everything we have, you have secured for us.
Everything we hope to be, you protect.

Here is our sacred vow:
We will also do everything in our power to protect YOU.

Thank you, from the bottom of our hearts.

HONOR + RESPECT + GRATITUDE

HONOR

1787's promise to you and your family:

- † We will make sure that your compensation and benefits reflect your high-level of dedication and service. 1787 supports a full 10 percent pay raise for service members. We will also ferociously protect your hard-earned benefits.
- † We will work hard to ensure that all military children have access to high-quality education, from pre-k through college.

- † We will expand the *Iraq and Afghanistan Service Grant* to include students whose parent or guardian died because of military service *anywhere*.
- † We will make sure you and your family receive the highest quality of health care and mental health support in the world.
- † We will make sure there are gender-specific health care and services to protect and honor women veterans.
- † We will make sure that all veterans and service members receive adequate, discreet care in the aftermath of military sexual trauma, and that these heinous crimes are prosecuted to the fullest extent of the law.

RESPECT

Martin Luther King, Jr. once said, “Human progress is neither automatic nor inevitable. Even a superficial look at history reveals that no social advance rolls in on the wheels of inevitability. Every step towards the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concern of dedicated individuals.”

You and your family have sacrificed unimaginably for our freedom. You have suffered unspeakable sorrow for our safety. You have struggled greatly for our comfort.

Our promise to you and your family:

- † We will work hard to boost your morale and make sure our country is one you are proud to fight for.
- † We will make sure you have rewarding employment opportunities when you leave the service.

- † We will fight to eliminate the funding fee associated with the Home Loan Guaranty program.
- † We will mandate that a certain number of federal contracts be awarded to businesses owned by service-disabled veterans.
- † We will encourage the acceptance of military training and experience to be acceptable for licenses & credentials in specialized fields.
- † We will allow certain GI Bill funds to be used for small-business capitalization.

GRATITUDE

The extraordinarily brave women and men who sacrifice so much to keep America safe are our heroes. We are deeply grateful to each and every person that serves our country with such courage and integrity.

Likewise, we owe a debt of profound gratitude to the families of these remarkable Americans. Most of us can only imagine the sacrifices you make, and we promise to do everything possible to honor every member of your family.

Our promise to you and your family:

- † We will make sure that, to any extent possible, there will be more flexibility in military life, including more reasonable extended leave policies.
- † We will offer better support to military spouses and partners, including appropriate education & employment.
- † We will make sure you and your family have access to safe childcare, free of charge. We will fight to make the Child Development Centers

(CDC), Family Child Care (FCC) and School-age Care Programs (SAC) completely free for military families.

- † We will work hard to make the military-to-civilian transition as seamless as possible for every member of the family.

MILITARY FAMILIES PLAN OF ACTION

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

HEALTH CARE

- † Guarantee that our military heroes and their families have access to timely, high quality health care.
- † Aggressively strengthen the mental health services provided to our service members, veterans, and their families.
- † Provide gender-specific health care and services to protect and honor our women heroes.
- † Fully research and understand “moral injury” and discover better ways to help those who struggle.
- † Utilize complementary and alternative therapies to combat PTSD. Fully fund the “Integrative Health and Wellness Program.”
- † Utilize complementary and alternative therapies to prevent suicides. Fully fund the “Integrative Health and Wellness Program.”
- † Launch National Opioid Withdrawal (NOW), 1787’s program that targets this urgent public health emergency.

- † Ensure that our military heroes receive adequate, discreet care in the aftermath of military sexual trauma. Fully prosecute (see *We Got You!* section below).

EMPLOYMENT

- † Offer better support to military spouses and partners, including appropriate education and employment.
- † Make sure every military hero has rewarding employment opportunities when they leave the service.
- † Encourage the acceptance of military training and experience to be acceptable for licenses and credentials in specialized fields.
- † Allow certain GI Bill funds to be used for small-business capitalization.
- † Mandate that a certain number of federal contracts be awarded to businesses owned by service-disabled veterans.

EDUCATION

- † Our military heroes earn their education benefits in the most difficult way possible. Protect these benefits at all costs.
- † Guarantee that all military children have access to high-quality education, from pre-k through college.
- † Offer better support to military spouses and partners, including appropriate education and employment.
- † Expand the “Iraq and Afghanistan Service Grant” to include students whose parent/guardian died as a result of military service anywhere.

WE GOT YOU!

- † Work hard to boost the morale of our troops and make certain our country is one they are proud to fight for.
- † Immediately address the racial disparities that plague our military. Read more about this in Part Two, Chapter Two of this book series.
- † Maintain a ZERO TOLERANCE policy regarding sexual assault and sexual harassment. Remove the investigation and prosecution of these cases to special victims prosecutors, outside of the chain of command.
- † Support a full 10 percent pay raise for service members. Ferociously protect their hard-earned benefits.
- † Do not ever, ever allow sequestration to reduce our service member's hard-earned benefits.
- † To any extent possible, commit to more flexibility in military life, including more reasonable extended leave policies.
- † Make the Child Development Centers (CDC), Family Child Care (FCC) and School-age Care Programs (SAC) free for military families.
- † Make the military-to-civilian transition as seamless as possible for every member of the family.
- † Eliminate the funding fee associated with the Home Loan Guaranty program.
- † Reinstitute strict restrictions on payday lenders and ferociously protect the *Military Lending Act*.

MILITARY STRATEGY PLAN OF ACTION

Read more about Military Strategy in Part One, Chapter Four.

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

The price of freedom is eternal vigilance.
– Thomas Jefferson –

BRASS TACKS: MANEUVER, FIRES AND EFFECTS

- † Recalibrate Defense Spending
- † Cultivate light-footprint, low-cost operations like the highly successful one we conduct in Syria.
- † Fully support and invest in Special Operations capabilities.
- † Sustain and strengthen the all-volunteer force, including the reserve and National Guard.
- † Fully support the Defense Innovation Unit (DIU). Invest in innovation to fight 21st-Century threats.
- † Embrace robotics, artificial intelligence, big data, directed-energy weapons, and autonomous robots.
- † Lead international efforts to mitigate the danger of nuclear proliferation and nuclear use.

LOGISTICS

- † Stop the wasteful spending at the Department of Defense. The money wasted is outrageous. Read more about this in Part One, Chapter Four.
- † Reorganize the Pentagon bureaucracy and modernize the acquisition process.
- † Reorganize and reimagine the Department of Homeland Security (DHS).
- † Welcome women to compete for all military positions.
- † Allow transgender Americans to serve openly in the military.

NATIONAL INTELLIGENCE

I recognize that our national intelligence agencies have made serious misjudgments in the past (read more about this in the *Torture* section of this book).

However, Abraham Lincoln said it best: “Human nature will not change. In any future great national trial, compared with the men of this, we shall have as weak, and as strong; as silly and as wise; as bad and good. Let us, therefore, study the incidents of this, as philosophy to learn wisdom from, and none of them as wrongs to be revenged.”

Our national intelligence agencies are incredible. The players are not perfect – no organization made up of humans is – but our intelligence community is filled with committed patriots who sacrifice so much of themselves to keep this country safe.

I have the utmost trust, respect and appreciation for each of these agencies. Every single one of us owes each and every member of these organizations an enormous debt of gratitude.

NATIONAL INTELLIGENCE

PLAN OF ACTION

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

- † Continue to ensure a seamless process of sharing information between our intelligence agencies and other law enforcement.
- † Stop over-classifying information. Significantly improve the system that makes, safeguards, and discloses secrets.

- † We must have smart, talented intelligence officers to keep this nation safe. Champion the National Intelligence University (NIU).
- † Unequivocally and unapologetically reject the use of torture in any form.
- † Be vigilant about maintaining an appropriate balance between security and liberty.

THE NORTH ATLANTIC TREATY ORGANIZATION (NATO)

U.S.-European military cooperation is fundamental to the peace and security of the United States and provides us valuable partnerships that strengthen our defense, security, and crisis-management capabilities around the world.

The North Atlantic Treaty Organization (NATO) member-countries are “determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area. They are resolved to unite their efforts for collective defense and for the preservation of peace and security.”

NATO is an alliance that consists of 30 independent member countries. In 1949, there were 12 founding members of the alliance: Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, the United Kingdom and the United States.

On the campaign trail and throughout his presidency, Donald Trump called NATO “obsolete,” and said many insulting things about the other member countries. One of his main beefs with NATO is his belief that U.S. European allies take advantage of our military protection without paying their fair share financially – and that the United States receives nothing in return. At one point he said that “Germany owes vast sums of money to NATO, and the United States must be paid more for the powerful, and very expensive, defense it provides to Germany.”

This entire statement makes no sense and reveals a fundamental misunderstanding of how NATO works. No other country “owes” NATO or America any money at all. The commitment NATO member countries make is to spend 2 percent of their GDP on defense, not write NATO and/or other countries checks.

Without question, NATO countries should live up to their end of the bargain and be more forthcoming with their burden-sharing. To Donald Trump’s credit, between 2016 and 2018, NATO members increased their

defense spending by \$43 billion. But either way, the notion that America doesn't receive anything in return for our own contribution is just false.

As the Atlantic Council – a nonpartisan, international affairs think tank – reminds us,

“The United States’ relationship with its friends and allies is not a one-way street, where the United States makes, and the allies take. NATO members, and NATO as an institution, all make important contributions to U.S. national security, even as the United States rightly encourages them to do more for their own defense and to advance global security.

Sometimes these contributions are very direct and visible; at other times, they do not make the headlines. The United States derives many quantifiable benefits from being a leading member of the transatlantic alliance. The NATO commitment of 2 percent of gross domestic product (GDP) for defense spending is the most visible metric used to measure allied political commitment to burden-sharing across the alliance. However, that metric does not measure the output and quality of allied defense contributions. It says even less about how NATO relates to broader U.S. security and economic interests.”

Donald Trump’s inflammatory rhetoric toward NATO and its member countries was irresponsible and dangerous. This is just one more example of his administration’s opposition to the rules-based international world order that has successfully governed peace, security, democracy and prosperity since World War II.

It is unnecessary for America to be a bully. It is unnecessary for America to be threatening and hostile. It is unnecessary for America to be arrogant or petty or unwelcoming. America does not need to flaunt our strength, because we are actually strong.

But let’s never forget, even though we are strong, it is critical that we have loyal friends who always have our back...allies who are more than willing to share our burdens, and who don’t blink when we ask them to join us in war.

One of the coolest things about NATO is called the *Principle of Collective Defense*, which is the idea that an attack against one of its members is considered as an attack against all. This principle is outlined in NATO's founding document and is commonly known as Article 5.

Article 5 has been invoked only once, in response to the 9/11 U.S. terrorist attacks. On one of the worst days in our nation's history, our faithful allies didn't blink and had our back 1000%.

Make no mistake, we need NATO now as much as we did in 1949, when the alliance was founded as a defense against Soviet aggression – which is, ironically, the same aggression we face today as Vladimir Putin blatantly commits war crimes in Ukraine.

NUCLEAR WAR/WMD PROLIFERATION PLAN OF ACTION

Read more about Nuclear War and WMD
Proliferation in Part One, Chapter Four.

You can find detailed information on each of these
recommendations at www.1787forAmerica.org.

- † Put restraints on presidential power: Require congressional approval for a nuclear first strike.
- † Lead international efforts to mitigate the danger of nuclear proliferation and nuclear use.
- † Reiterate the United States' support for the Intermediate-Range Nuclear Forces Treaty (INF).
- † Extend the New START Treaty that expires in 2021.
- † Re-engage in – and ratify – the United Nations Arms Trade Treaty (ATT).
- † Ratify the Comprehensive Nuclear-Test-Ban Treaty (CTBT).
- † Encourage China, Egypt, India, Iran, Israel, North Korea, and Pakistan to sign and/or ratify the Comprehensive Nuclear-Test-Ban Treaty.
- † Stop global production of fissile material (i.e., plutonium and highly enriched uranium). Champion the Fissile Material Cut-off Treaty.
- † Fully support the International Atomic Energy Agency (IAEA) Low Enriched Uranium (LEU) Bank.
- † A nuclear North Korea and a nuclear Iran are unacceptable. See the North Korea and Iran sections in this book.

ONLINE INFLUENCE OPERATIONS PLAN OF ACTION

Read more about Online Influence Operations in Part One, Chapter Three.

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

- † Heal the deep partisan divide in this country that makes us vulnerable to these types of attacks.
- † Impose and enforce crushing sanctions on Russia and any foreign country that interferes in American elections.
- † Intensify sanctions against Russian oligarchs and other prominent Russians connected with Putin.
- † Pass a law that requires the U.S. government to automatically retaliate against any foreign attack on our democracy.
- † Stop large-scale anonymous ownership by creating public registries of the real owners of companies and/or trusts.

Also see the Cybersecurity, Voting Security, Social Media and Tech Companies sections of this book.

SPACE FORCE

The 2020 *National Defense Authorization Act* (NDAA) is a United States federal law that authorized \$13 billion over the next five years to fund Space Force, the first new military service in seven decades. Nevertheless, I continue to believe that is not the best direction to go.

During a June 2018 speech at the National Space Council meeting, Donald Trump said, “We must have American dominance in space. I’m hereby directing the Department of Defense to immediately begin the process to establish a space force as the sixth branch of the armed forces. We are going to have the Air Force, and we are going to have the space force. Separate, but equal. It is going to be something so important.”

I’m not saying that revisiting our space defense strategy and strengthening our space-warfare capabilities are not important. They are.

And clearly, we must protect our military satellites from attacks by anti-satellite weaponry, which could disrupt everything from intelligence gathering to communications to weapon navigation. Already, China and Russia have weapons that jeopardize our assets in space, through everything from cyberattacks to radio jamming to destroying them altogether.

Plus, the 2019 *Worldwide Threat Assessment of the U.S. Intelligence Community* says that “global access to space services has expanded for civil, commercial, intelligence, and military purposes, in part because of technological innovation, private-sector investment, international partnerships, and demand from emerging markets.”

But this is exactly the wrong solution at exactly the wrong time. Creating a new branch of the military is unnecessary, wasteful and redundant. I agree with former Defense Secretary James Mattis when he wrote in a memo to the late Senator John McCain, chairman of the Senate Armed Services Committee: “I oppose the creation of a new military service and additional organizational layers at a time when we are focused on reducing overhead and integrating joint warfighting functions.”

SPACE/COUNTERSPACE

How do we best leverage the expansion of the global space industry? As the *Economist* says, “The next 50 years will look very different. Falling costs, new technologies, Chinese and Indian ambitions, and a new generation of entrepreneurs promise a bold era of space development. It will almost certainly involve tourism for the rich and better communications networks for all; in the long run it might involve mineral exploitation and even mass transportation. Space will become ever more like an extension of Earth – an arena for firms and private individuals, not just governments. But for this promise to be fulfilled the world needs to create a system of laws to govern the heavens – both in peacetime and, should it come to that, in war.”

First and foremost, the world must set forth a more modern rule of law that will govern space. The only current governing law, the *Outer Space Treaty of 1967* is far too broad to deal with the challenges we face today – things like the commercialization of space, space tourism, vulnerable satellites, increasing traffic, space mining, liability laws, and even more mundane issues like how to handle space debris.

These issues plus a significantly shifting geopolitical landscape demand that we get ahead of this. The 2019 *Worldwide Threat Assessment* assessed “that commercial space services will continue to expand; countries – including U.S. adversaries and strategic competitors – will become more reliant on space services for civil and military needs, and China and Russia will field new counterspace weapons intended to target U.S. and allied space capabilities.”

Further, “the expansion of the global space industry will further extend space-enabled capabilities and space situational awareness to government, non-state, and commercial actors in the next several years. All actors will increasingly have access to space-derived information services, such as imagery; weather; communications; and positioning, navigation, and timing (PNT).”

Other highlights from the report:

ADVERSARY USE OF SPACE

- † “We expect foreign governments will continue efforts to expand their use of space-based reconnaissance, communications, and navigation systems –including by increasing the number of satellites, quality of capabilities, and applications for use. China and Russia are seeking to expand the full spectrum of their space capabilities, as exemplified by China’s launch of its highest-resolution imagery satellite, Gaofen-11, in July 2018.”

SPACE WARFARE AND COUNTERSPACE WEAPONS

- † We assess that China and Russia are training and equipping their military space forces and fielding new anti-satellite (ASAT) weapons to hold U.S. and allied space services at risk, even as they push for international agreements on the non-weaponization of space.
- † Both countries recognize the world’s growing reliance on space and view the capability to attack space services as a part of their broader efforts to deter an adversary from or defeat one in combat.
- † The People’s Liberation Army (PLA) has an operational ground-based ASAT missile intended to target low-Earth-orbit satellites, and China probably intends to pursue additional ASAT weapons capable of destroying satellites up to geosynchronous Earth orbit.
- † Russia is developing a similar ground-launched ASAT missile system for targeting low-Earth orbit that is likely to be

operational within the next several years. It has fielded a ground-based laser weapon, probably intended to blind or damage sensitive space-based optical sensors, such as those used for remote sensing.

- † China's and Russia's proposals for international agreements on the non-weaponization of space do not cover multiple issues connected to the ASAT weapons they are developing and deploying, which has allowed them to pursue space warfare capabilities while maintaining the position that space must remain weapons free.

TERRORISM

Domestic Terrorism	Part One, Chapter Three
Terrorism and Afghanistan	Part One, Chapter Four
Terrorism and Africa	see Africa Section
Terrorism and Iraq	Part One, Chapter Four
Terrorism and Syria	Part One, Chapter Four

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

- † Shut down domestic terrorism by White supremacists. Strongly enforce the 57 terrorism-related charges already in federal law.
- † Our Imperative: Total defeat of jihadist terrorism, both militarily and culturally.
- † Cultivate light-footprint, low-cost operations like the highly successful one we conduct in Syria.
- † Fully understand exactly who (and what) we are dealing with.
- † Listen to people who have first-hand knowledge of how jihadist terrorism works.
- † Don't get cocky and underestimate terrorists – ever!
- † Build productive relationships with the Muslim World. Ensure that American Muslims are protected and respected.

- † Closely watch ISIS-related mobilization in the United States – and take it very seriously.
- † Promote trusted partnerships between law enforcement and communities to counter violent extremism.
- † Prosecute terrorism suspects in U.S. federal courts, not military commissions.
- † Use Counter-Ideological Operations/Warfare to reframe America's image and fight against extremist propaganda.
- † Work hard to improve the factors that enable violent extremism such as poverty, inequality and repression.

ADDITIONAL STEPS THAT 1787 WILL TAKE TO FIGHT TERRORISM:

- † 1787 will do whatever it takes to protect the United States of America against 21st century threats, and we will do so with a strategy that honors our nation's values and ideals.
- † The U.S. Intelligence community is incredible. The players are not perfect – no organization made up of humans is – but our intelligence community is filled with committed patriots who sacrifice so much of themselves to keep this country safe. We all owe each and every member of these organizations an enormous debt of gratitude. In that spirit, we must increase our commitment to superior intelligence collection, information sharing and surveillance. A seamless process of gathering, analyzing and sharing intelligence is critical to our national security. We must strengthen our analytic capabilities, and our agencies must be highly cooperative in sharing valuable information.

- † In our fight against global terrorism, we must continue to actively pursue and destroy terrorist cells before they have the opportunity to attack.
- † It is imperative that we actively combat the threat of nuclear, biological and chemical weapon attacks by proliferation, rogue nations and terrorist organizations.
- † Cyber-attacks, cyber-terrorism and cyber-espionage pose an increasingly significant risk to the U.S. This threat is more ominous now that we have become increasingly reliant on technology, and information technology and physical infrastructure have become so interconnected. The United States must have a comprehensive national cybersecurity strategy that thoroughly protects everything from our infrastructure to our intelligence databases.
- † The U.S. must take a comprehensive, multi-faceted approach to securing our borders.
- † The U.S. must make smart decisions about protecting our physical infrastructure.
- † Just as important, we must strengthen our public health infrastructure. We must be certain that our public health system has the wherewithal to cope with the physical and psychological (emotional, behavioral and cognitive) consequences of a conventional, biological, chemical or radiological attack on the United States.
- † For decades, the United States has allowed terrorist organizations to negatively frame America for the Muslim world. We must reframe this highly damaging, globally destructive narrative immediately.
- † Although most terrorist activity is not an existential threat, attacks can be extremely disruptive, can kill American citizens in small numbers and can take a tremendous physical and psychological toll on our society. Therefore, the most important thing we as citizens

can do is continue to strengthen our resilience. Bad things will happen on occasion and, as a society, we need to have the capacity to quickly absorb the event, recover from it and move forward. Although terrorists do not have the power to eliminate the United States, they do possess the capacity to fundamentally change who we are as a nation if we are not careful.

- † It is imperative that we create public registries of the real owners of companies and/or trusts in order to bring transparency to the complex world of global finance.

TERROR/RESILIENCE

resilience

noun re·sil·ience \ri-'zil-yən(t)s\

: the ability to become strong, healthy or successful again after something bad happens

terrorism

noun ter·ror·ism \'ter-ər-i-zəm\

: the use of violent acts to frighten the people in an area as a way of trying to achieve a political goal

Let's Remember What Terrorism IS & what it IS NOT.

Resilience Is One Of Our Greatest National Strengths.
We Must Not Let Fear Paralyze Us. Ever.

Generally speaking, terrorism is not an existential threat to the United States – meaning terrorists do not threaten the *continued existence* of the United States (a possible exception to this is chemical, biological, radiological or nuclear (a.k.a. CBRN) weapons).

The September 11, 2001 terrorist attacks illustrate the point that terrorism is not an existential threat. Although the 9/11 attacks were, by far, the most devastating domestic attacks in United States history, the terrorists' actions did not come anywhere near risking the survival or existence of America.

That said, as a result of the 9/11 attacks, the United States charted a course in foreign policy that has cost trillions of dollars and thousands of American lives. Moreover, several policies were enacted that challenge our core values. In addition to “enhanced interrogation techniques” – which I consider to be torture – President George W. Bush authorized several activities that went far beyond the parameters of traditional law enforcement.

At the same time, Congress passed sweeping legislation designed to enhance American counterterrorism efforts. This included the *USA PATRIOT Act*, which significantly increased the federal government’s authority to gather, analyze and investigate private information related to U.S. citizens. Since then, the United States has broadened its electronic surveillance authority even more, to include four amendments to the *Foreign Intelligence Surveillance Act* (FISA).

It is critical that we keep terrorism in perspective so we do not overcompensate and over-reach – which is exactly what terrorists want and expect us to do. ISIS, al-Qaeda, and other terrorist organizations are far more concerned with the *reaction* the attack evokes than with the actual physical destruction caused by the attack itself.

Although most terrorist activity is not an existential threat, attacks can be extremely disruptive, can kill American citizens in small numbers and can take a tremendous physical and psychological toll on our society.

Therefore, the most important thing we as citizens can do is continue to strengthen our *resilience*. Bad things will happen on occasion and, as a society, we need to have the capacity to quickly absorb the event, recover, then move forward.

Although terrorists do not have the power to eliminate the United States, they do possess the capacity to fundamentally change who we are as a nation if we are not careful.

COUNTER-IDEOLOGICAL WARFARE

Read more about Online Influence Operations in Part One, Chapter Four.

For decades, the United States has allowed terrorist organizations to frame America's image for a vulnerable portion of the Muslim world.

Seizing the golden opportunity, terrorists have done a masterful job of making sure their audience knows all about the "evil" that is America: The brutal, wealthy bully that uses power, might and military strength to repress and oppress Muslims around the world. Naturally, in their version, the terrorists are the good guys, who fight bravely and unselfishly to protect Islam and Muslims on a global scale.

These groups often base a story on half-truths or outright lies, then fill in the blanks with America's actual failures like the catastrophes of U.S. torture, Guantánamo and Abu Ghraib.

Conspiracy theories like *The Protocols of the Meetings of the Learned Elders of Zion* (a fraudulent document that served as a pretext and rationale for anti-Semitism in the early 20th century) and the 9/11 Truth movement (a conspiracy theory that disputes the conventional wisdom of the 9/11 accounts, specifically the part where al-Qaeda terrorists hijacked four airliners and crashed them into the Pentagon and Twin Towers) are exploited mightily.

Terrorist groups have achieved great success with their America is Evil narrative primarily through Information Warfare, or "using truth, intelligence, propaganda, psychological warfare, and media in a unified effort to control the way an enemy's own ideology or policies are perceived by the global public."

In the past, terrorists have waged their extremist propaganda war by using everything from CDs to television to radio. Now they have the enormous benefit of the Internet, which gives them the opportunity to reach into unlimited parts of the world.

Enough is enough. We must – in real time – reframe this highly damaging, globally destructive narrative.

COUNTER-IDEOLOGICAL WARFARE PLAN OF ACTION

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

1. TAKE THE ADVICE OF ABU YAHYA AL-LIBI, A SENIOR AL-QAEDA LEADER, SCHOLAR, AND STRATEGIST. (PLUS, SIX ADDITIONAL ONES)
 - † Start a social epidemic of rejection. Create a social epidemic of personal revulsion against the “cult.”
 - † Identify the criminality to al-Qaeda’s target audience. Appeal to the universal value placed on stability, law & order, and justice.
 - † Make al-Qaeda answer publicly for killing innocents, particularly children.
 - † Make the terrorists’ community and families fear for the spiritual safety of recruits.
 - † Make people remember they can't depend on terrorists.
 - † Reframe al-Qaeda as political opportunists.
 - † Encourage positive ideological fitna (civil war). Support former militants who recant terror and speak out against it.

- † Demand al-Qaeda pay blood debts (wrongful deaths they have caused) to Muslims and Non-Muslims, as proscribed in the Qur'an.
 - † Use the same viral media techniques they do.
 - † Organize counter-extremist message swarming (where an online location is struck by thousands of like-minded posts at once).
 - † Help stand up and support de-radicalization programs and plans.
 - † Do no harm and do know harm. Be more responsive and sympathetic to foreign civilian deaths after air strikes.
2. LAUNCH A MASSIVE, GLOBAL COUNTER-IDEOLOGY CAMPAIGN.

Here is a Perfect Example of When This Could Be Helpful:

The Proposed Islamic Cultural Center in Lower Manhattan

So, I think this story is super important on several levels, but I think it is absolutely critical in terms of our national security.

In August 2010, I was living in Manhattan and had a front row seat to the highly emotional and impassioned debate over plans to build an Islamic cultural center in Lower Manhattan. To refresh your memory, Cordoba House was a proposed Islamic community center intended to promote an interfaith dialogue.

Imam Feisal Abdul Rauf, the founder of the project, described his intentions this way: “My ambition was to create a Muslim version of the 92nd Street Y in New York that would have cultural and educational programs, a prayer space, and a community center to promote a distinctively American Muslim identity, as well as a welcoming space for people of other faiths to build bridges and engage with each other.”

The vision was for the center to be “a beacon of transformative spirituality for the American Muslim community in New York and beyond. Grounded in the authentic essence of faith through worship of the One God, the purpose of the Cordoba House is to establish a compassionate forward thinking, moderate, pluralistic and inclusive Muslim community that applies a holistic approach to education, social services and activities, interfaith relations and cultural events.”

Sounds pretty cool, right? Except Cordoba House had a major issue: The location. Because the center was going to be built two blocks from the World Trade Center site it was super controversial, with many opponents of the project referring to it as the “Ground Zero Mosque.”

At the time, I remember thinking that this was an excellent opportunity for our president and congressional leaders to demonstrate domestic and international leadership. After all, the Pew Research Center estimates there are 3.45 million Muslims of all ages living in America. We desperately need the trust of these fellow neighbors as we fight homegrown violent extremists and terrorists abroad, and they already help tremendously with this effort every day.

Many Afghan- and Iraqi-Americans, for example, have graciously assisted our military with language translation skills and by providing cultural knowledge as civilians, and there are 5,896 self-identified Muslims who currently serve in the military (this number is probably much higher since 400,000 service members elect to not self-report their faith).

But with very few exceptions – NYC Mayor Michael Bloomberg being one – most of our leaders chose to be puppets of politics and polls. It was so disappointing and depressing to watch how this all went down.

First let me say that, without question, for many Americans (myself included) the sorrow of 9/11 was then – and is now – as heartbreaking as it was the day it happened. It’s perfectly understandable that many Americans had strong feelings about an Islamic cultural center being built close to Ground Zero, especially as our soldiers still fought overseas and as acts of terror continued to occur in the name of Islam.

I must admit, my initial reaction after hearing about the proposed location was significant discomfort *at best*. However, in the face of terror, it is imperative that we not lose the very essence of who we are. We are the country that welcomes the poor, the tired, and the huddled masses. We are the country that celebrates life, liberty, and justice for all. We are the country that perfected the right to peaceful assembly, freedom of speech, and the free exercise of religion.

Beyond anything else, the core question here is: Do we want to live in a country that prohibits private citizens from building places to worship and celebrate their religion?

In truth, that question has already been answered for us. The First Amendment does not say: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances, *unless those rights make us uncomfortable*. Please believe me when I say that this is not a thread we should pull on.

Here’s the part where Counter-Ideological Warfare comes in. Critics of the “Ground Zero Mosque” suggested that Osama bin Laden and the hijackers’ greatest triumph would be to see a mosque built as a monument to their “victory.”

First of all, I think bin Laden's reaction would have probably been the exact opposite. Imams like Feisal Abdul Rauf were Osama bin Laden's worst enemies because he deeply resented, and was openly hostile, to Muslims with moderate Islamist orientations.

But even beyond that, the construction of a building pales in comparison to the terrorists' victory if we allow them to deconstruct the moral code of this country. It would have been extraordinary to have had brave leaders who possessed the fortitude and courage to do what is right, even if it happens to be unpopular at the time.

The Cordoba House controversy was the perfect opportunity for our leaders to challenge Americans to 1) acknowledge the pain of the past but, at the same time, move forward with greater understanding and tolerance; 2) remember that the *War on Terror* was not a war against Islam; and 3) attempt to reconcile the American way of life with the peaceful believers of the world's second-largest religion.

Enlightenment on issues like these is not needed just to enhance diplomacy or soothe hurt feelings. At times, it's a matter of life and death. If President George W. Bush had been more knowledgeable of the enormous disparities between the Salafist jihadists of al-Qaeda and the secular Baathists of Iraq, for example, his war plans may have looked far different in the first place.

Three decades have passed since the *First Gulf War* and still we all have a dangerously inadequate knowledge of the many divisions, complexities and nuances within the Islamic community. Many Americans and American leaders continue to view the Muslim world as a single terrifying entity.

Many of the words, concepts and traditions prevalent in the Middle East were then – and to this day remain – unfamiliar to most Americans. Don't you think it's important to at least have a basic understanding of who and what we are fighting against?

To be clear, I'm not saying that our leaders necessarily failed us by not demanding that the Cordoba House be built near Ground Zero. I'm simply saying that, at the time, a new narrative was of the greatest consequence in both domestic issues and in our broader struggle against Islamic extremists, and that we needed leaders with the guts to tell us so.

According to a *Time* magazine poll taken at the time, 61 percent of Americans who responded opposed the construction of the Cordoba House project, and over 70 percent felt that continuing with the plan would be an insult to the victims of the attacks on the World Trade Center.

Although I disagree with the majority, I vigorously defend their right to their opinion. Whether we agree or not, most Americans are perfectly capable of having a reasonable and civil discourse on sensitive matters.

Unfortunately, that level of maturity did not serve the purpose of those with a political agenda, so what happened next in the debate has become the standard. Civilized dialogue turned into cultural warfare as the conversation metastasized into an opportunity for politicians and crazy people to exhibit absolutely despicable behavior.

All of their talk about “of course they have the right to build it there but...” and “radical Islam is not a majority of Islam but...” was nothing more than a smokescreen for the politically motivated to incite their small but suspicious audience with hate-filled rhetoric.

Former House Speaker Newt Gingrich seemed to speak for many Republicans when he then proclaimed: “Nazis don’t have the right to put up a sign next to the Holocaust museum in Washington” and “we would never accept the Japanese putting up a site next to Pearl Harbor” and “there should be no mosque near Ground Zero in New York so long as there are no churches or synagogues in Saudi Arabia.”

That’s just great. Now we have lowered ourselves to Saudi Arabian standards? Martin Peretz, the editor in chief of *The New Republic*, wrote, “I wonder whether I need honor these people and pretend they are worthy of the privileges of the First Amendment, which I have in my gut the sense that they will abuse.”

These are not harmless games being played. What in the past may have been dismissed as “politics as usual” has become truly dangerous. Enlightenment is not necessary to simply soothe hurt feelings; it’s a matter of life-and-death. If President George W. Bush had been more knowledgeable of the enormous disparities between the Salafist jihadists of al-Qaeda and the secular Baathists of Iraq, his war plans may have looked far different.

There was only one big winner in this controversy: al-Qaeda, who mocked us while we essentially did their recruiting for them. Once again, we gave terrorist organizations a perfect opportunity to frame America's image for a vulnerable portion of the Muslim world.

As former FBI terrorist interrogator Ali Soufan put it at the time, Osama bin Laden's "next video script has just written itself." Zabihullah, a Taliban operative, told *Newsweek*, "By preventing this mosque from being built, America is doing us a big favor. It's providing us with more recruits, donations, and popular support. The more mosques you stop, the more jihadis we will get."

Zabihullah went on to explain how this issue is such a boost for their cause that it now leads the agenda in Taliban meetings with existing members and potential recruits.

"We talk about how America tortures with waterboarding, about the cruel confinement of Muslims in wire cages in Guantánamo, about the killing of innocent women and children in air attacks – and now America gives us another gift with its street protests to prevent a mosque from being built in New York," Zabihullah said. "Showing reality always makes the best propaganda."
#TheButterflyEffect

The most heartbreaking consequence of the Cordoba House debate was the damage the rhetoric undoubtedly did to our troops who were fighting so honorably for freedom. I can only imagine their bewilderment and dismay as they watched this madness play out stateside, while they endured sandstorms and gunfire to be our faithful ambassadors of democracy and freedom.

In 2015, it was announced that a developer was building a 667-foot glass condominium building on what would have been the Cordoba House site. According to their website units sell for up to \$13 million.

TERROR SUSPECTS

Terrorism suspects should be prosecuted in U.S. federal courts, not military commissions. Why? Because U.S. federal courts, established under Article III of the U.S. Constitution, kick ass.

Back in the day, many people freaked out over the mere thought of terrorism trials being held stateside. In fact, just ten years ago, then-NYC mayor Michael Bloomberg and then-NYC police commissioner Ray Kelly demanded the trial of the 9/11 co-conspirators be moved from a New York City federal court to Guantánamo Bay’s military commissions.

Turns out this panic was completely unnecessary. Pretty much across the board, terrorism trials in the United States have proven to be swift, efficient, and effective – from jury selection through sentencing.

Meanwhile, the Periodic Review Board (the board that reviews whether Guantánamo detainees should stay or be transferred) broke down years ago, and many of the trials being conducted by military commissions – which includes the trials of Abd al-Rahim al-Nashiri, Abd al Hadi al Iraqi, and the five men accused of plotting the 9/11 attacks, including Khalid Sheikh Mohammed – still don’t have firm trial dates.

Additionally, the military commissions continue to be operationally and procedurally messy. For example, a U.S. Court of Appeals for the District of Columbia Circuit threw out years of rulings in USS Cole case, finding that former military judge Vance Spath “created a disqualifying appearance of partiality” when he applied for a position as an immigration judge while still overseeing the case.

As for those who think terrorists shouldn’t be given the rights afforded by the U.S. court system, that is a distinction without a difference. The *Military Commissions Act of 2009* gives those being tried by military commissions practically all of the same procedural rights as those charged in federal court, and in some respects even more rights.

Plus, in the Supreme Court case *Boumediene v. Bush*, the Court ruled that, for prisoners at Guantánamo, “habeas privilege entitles the prisoner to a meaningful opportunity to demonstrate that he is being held pursuant to ‘the erroneous application or interpretation’ of relevant law, and the habeas court must have the power to order the conditional release of an

individual unlawfully detained” – which means that federal courts have the power to review these cases and grant any relief anyway.

A Few Examples of U.S. Federal Court Convictions:

- † Sulaiman Abu Ghaith: Osama bin Laden’s son-in-law & al-Qaeda spokesman (life sentence)
- † Ahmed Khalfan Ghailani: an al-Qaeda operative convicted for his role in the 1998 bombings of the U.S. embassies in East Africa (life sentence)
- † Ibrahim Suleiman Adnan Adam Harun: an al-Qaeda operative convicted for his participation in attacks on U.S. and coalition troops in Afghanistan that resulted in the deaths of two American service members and for conspiring to bomb the U.S. embassy in Nigeria (life sentence)
- † Ahmed Abdulkadir Warsame: an al Shabaab operative who also received training from al-Qaeda in the Arabian Peninsula, and who pleaded guilty to multiple terrorism offenses and became a government cooperator (sentence confidential since he was an informant)
- † Saddiq Al-Abbadi & Ali Alvi Al-Hamidi: al-Qaeda members who engaged in attacks against U.S. military forces stationed in Afghanistan and helped an American citizen gain entry into al-Qaeda so he could fight against U.S. troops in Afghanistan and U.S. citizens.
- † Richard Reid: attempted to explode a shoe bomb on a flight from Paris to Miami (life sentence)
- † Zacarias Moussaoui: participated in the 9/11 conspiracy (life sentence)
- † Mohammad Mansour Jabarah: participated in a plot to bomb U.S. embassies in Singapore and the Phillipines (life sentence)
- † Faisal Shahzad: attempted a car bombing in New York City’s Times Square (life sentence)

- † Umar Farouk Abdulmutallab: attempted a Christmas Day 2009 bombing of Northwest Airlines flight 253 (life sentence)
- † Adis Medunjanin: plotted to carry out a coordinated suicide attack on New York City subway (life sentence)
- † Nijibullah Zazi and & Zaein Ahmedzay: plotted to carry out a coordinated suicide attack on New York City subway (received time served, almost ten years, after “extraordinary cooperation” with American investigators)
- † Dzhokhar Tsarnaev: bombings of the Boston Marathon (death sentence)
- † Ali Mohamad Kourani: operative for Hizballah’s external attack-planning component (40-year sentence)

GUANTÁNAMO BAY, CUBA

The terrorist detention facility located in Guantánamo Bay Cuba must be closed without delay. The thirty men who remain at Guantánamo have been held without trial for too long. If nothing else, it’s high time those guilty of waging war on America be brought to justice. If we cannot make our case by now, they need to be sent back to their countries.

In 1776, George Washington ordered enemy prisoners be treated “with humanity, and let them have no reason to complain of our copying the brutal example of the British Army in their treatment of our unfortunate brethren who have fallen into their hands.” Washington demanded this because he had witnessed and experienced a severe lack of due process, torture, and other crimes against humanity and, therefore, knew there was a better way.

If we believe ourselves to be truly exceptional – and hold ourselves as a model for the world to follow – we simply cannot tolerate any activity that erodes our national values. Over the past two decades, decisions made in the name of U.S. national security have proven to have hefty, long-term ramifications – legally, politically, and in our relationships with allies abroad.

The inherent overreach of our leadership – combined with severe and unacceptable mistakes (i.e., torture, Guantánamo, Abu Ghraib) – has sowed distrust and division within our citizenship, called into question our national core values, and threatened our global image as a world leader. Quite simply, this episode in our history makes us look like total hypocrites.

In 2002, 20 prisoners the Pentagon called “the worst of the worst” deplaned at the American naval base in Cuba. When the first suspects arrived, they were considered prisoners-of-war. We were at war, after all, and most of these men were suspected to be al-Qaeda jihadists. Over the years, 760 have been detained at Guantánamo at some point, and today 40 inmates remain.

Because these prisoners were not being detained on U.S. soil, they were not afforded the protections of U.S. courts and, because they were potentially “unlawful enemy combatants,” the Bush administration decided that they were also not protected by the Geneva Conventions.

This has gone on too long. In the 2008 U.S. Supreme Court case *Boumediene v. Bush*, the Court ruled that Guantánamo detainees were entitled to certain protections under the U.S. Constitution.

Writing for the majority, Justice Anthony Kennedy established that “the DTA (meaning the *Detainee Treatment Act of 2005*) review process is, on its face, an inadequate substitute for habeas corpus” and that “petitioners may invoke the fundamental procedural protections of *habeas corpus* < note: also known as *The Great Writ*, this is the legal procedure that keeps the government from holding people indefinitely without showing cause >.”

In a powerful statement, Justice Kennedy continued:

“The laws and Constitution are designed to survive, and remain in force, in extraordinary times. Liberty and security can be reconciled; and in our system they are reconciled within the framework of the law. The Framers decided that habeas corpus, a right of first importance, must be a part of that framework, a part of that law.”

Since then, moves have been made to rectify this catastrophe, but we must finally put a hard stop to it once and for all. President George W. Bush released 532 detainees by the time he left office and President Obama ultimately released 197. In January 2018, a habeas corpus petition was filed in the U.S. District Court for the District of Columbia on behalf of...

“11 Muslim men who have all been detained at Guantánamo without charge or trial, many of them for nearly 15 years or more. Their detention has spanned three presidential administrations and as many as five presidential terms. Many are suffering the devastating psychological and physiological consequences of indefinite detention in a remote prison camp where they have endured conditions devised to break human beings, and where the aura of forever hangs heavier than ever.

Given President Donald Trump’s proclamation against releasing any petitioners – driven by executive hubris and raw animus rather than by reason or deliberative national security concerns – these petitioners may never leave Guantánamo alive, absent judicial intervention.”

The petition concludes,

“Executive fiat, untethered to a legitimate purpose authorized under the laws of war, does not permit the perpetual detention of individuals who have already been confined for as many as 16 years without charge. The Constitution and congressional enactments impose meaningful limits on the arbitrary and assertedly unreviewable power of this President. It is the duty of the judicial branch to identify and enforce those limits. Petitioners’ writs of habeas corpus should be granted.”

Ultimately, the D.C. Circuit ruled that the United States can continue to detain prisoners at Guantánamo Bay until the cessation of the “active hostilities” that led to the initial detention, regardless of the length of time. In June 2019, the U.S. Supreme Court denied *certiorari* for the

case meaning, for now, the D.C. Circuit's ruling stands as the final decision.

As a global leader – actually still THE global leader – we have a tremendous responsibility, and this country is 1000% up to the task. We are incredibly blessed to live in this truly exceptional, one-of-a-kind place. We are the country that welcomes the poor, the tired and the huddled masses. We are the country that celebrates life, liberty and justice for all. We are the country that perfected the right to peaceful assembly, freedom of speech and the free exercise of religion. We are the United States of America.

...a truly breathtaking place to be. Our greatest responsibility as Americans is to preserve and protect the very reasons that America is so great, and to make sure America's light shines far beyond our shores. We must protect international rule of law and rules-based international order. We must fight against human rights violations. We need to close this chapter now.

TARGETED KILLING

In our fight against global terrorism, we must continue to actively pursue and destroy terrorist cells before they have the opportunity to attack – or even direct or inspire attacks against – the United States.

This is a very conflicting subject and one that should be continually debated and refined. The bottom line is, we are still fighting terrorism and these type of conflicts often demand that we choose the lesser of the evils. It's just one of the many reasons war sucks.

Over the past two decades, U.S. military strategy has decidedly moved from “shock and awe” to more targeted strikes using drones, cruise missiles and special operations forces (capture/kill missions). Without question, targeted killing has produced real results including the death of Ilyas Kashmiri, commander of al-Qaeda’s Pakistan operation, Atiyah Abd al-Rahman, al-Qaeda’s top operational planner, Anwar al-Awlaki, a top member of al-Qaeda believed to be responsible for organizing multiple attacks against the United States, Mohammed Emwazi (aka Jihadi John), and Nasser al-Wahishi, the top leader of al-Qaida in the Arabian Peninsula, and several of his senior lieutenants.

In January 2019, a strike in the Marib Province of Yemen killed Jamal al-Badawi, one of the suspected plotters of the al-Qaeda bombing of the U.S. Navy destroyer Cole (in 2000, 17 American sailors were killed and 39 wounded when suicide bombers attacked the ship in Yemen). In April 2019, a U.S. airstrike killed Abdulhakim Dhuqub, the deputy leader of the Islamic State group, in the Bari region of northeastern Somalia.

Nine months later, in January 2020, a drone strike killed Qassim al-Rimi, the leader of al-Qaeda’s affiliate in Yemen, and a year later we got Abu Yasir al-Issawi, a top leader of Islamic State in Iraq. Not to mention the #1 targeted killing success of all...the daring Navy SEAL raid that finally got Osama bin Laden.

This strategy has not only killed individuals, but it has also destroyed entire networks – like the systematic killing of cyber recruiters and computer hackers who American officials called the “Raqqqa 12” or “The Legion.”

Breaking this terrorist group was a huge victory. In 2015, the efforts of the Islamic State to attract people to their self-proclaimed caliphate and to engage in worldwide violence had gotten out of control. The Legion was largely behind this increased mobilization. Using multiple languages, the group used a vast web of social media accounts and encrypted messaging apps to spread Islamic State propaganda, entice thousands to come to Islamic State's self-declared caliphate in Syria and Iraq, and recruit and direct Islamic State sympathizers to violence.

James B. Comey, then the Director of the FBI, said of that time: "I've got to tell you, the FBI was strapped. We were following or attempting to follow, to cover electronically with court orders, or to cover physically dozens and dozens and dozens of people who we assessed were on the cusp of violence. I was asked on Capitol Hill, 'Do you have enough people?' And the answer was, 'I don't if this continues.' We were pulling, at that time, people off surveillance in criminal cases of all kinds and counterintelligence cases to help us deal with this explosion in people who were seeking meaning in this sick, misguided way and moving towards violence."

A 2015 report from George Washington University backs that assessment up: "While not as large as in many other Western countries, ISIS-related mobilization in the United States has been unprecedented. As of the fall of 2015, U.S. authorities speak of some 250 Americans who have traveled or attempted to travel to Syria/Iraq to join the Islamic State in Iraq and Syria (ISIS) and 900 active investigations against ISIS sympathizers in all 50 states."

In the end, the leader of this group, Junaid Hussain, was killed by American drones over eastern Syria. And not a moment too soon.

§§§

Article 51 of the United Nations Charter sanctions America's right to self-defense. However, even in time of war there should be narrow boundaries and strict criteria.

All U.S. departments and agencies should abide by the criteria below, including the CIA (the Obama administration limited the drone flight capability of the CIA, but I support drone flights as part of the CIA's counterterrorism efforts).

In the Case of Targeted Killings...

- † The 2002 *Authorization for Use of Military Force* (AUMF) should be repealed and the 2001 AUMF should be repealed and replaced.
- † The targeted individual(s) should pose an imminent and significant threat to the United States.
- † Capture is not feasible.
- † The mission is carried out in observance of the applicable laws of war.
- † The U.S. has high confidence in the target's identity.
- † The U.S. has high confidence that innocent civilians will not be harmed (read more about this below).
- † The missions should have increased accountability, to include special courts and independent boards. However, it is critical this increased oversight protect sensitive intelligence programs.
- † The United States should increase transparency in certain areas. In 2017, the Columbia Law School Human Rights Clinic and Sana'a Center for Strategic Studies released a study that found "the United States has been consistently and excessively secret, although it took some positive steps forward starting in 2010, and made particularly

important transparency advances in 2016. These transparency reforms should continue to be strengthened and further built upon.”

Although I do not agree with their recommendations regarding specific strikes and full disclosure due to national security concerns, we agree that the United States should improve transparency: 1) around legal and policy frameworks, 2) in relation to lethal force practices, 3) around decision-making processes, and 4) of congressional oversight processes.

At This Stage in the War on Terror,
Targeted Killing is Acceptable for Three Reasons:

- † Targeted killing protects a larger number of our soldiers. The more we use these methods the less number of our soldiers are put in harm’s way. But we want to be very clear: Drone operators have been as traumatized as any soldier on the battlefield. In fact, drone pilots experience Post-Traumatic Stress Disorder (PTSD) as much as soldiers on the ground and, according to the Air Force Research Laboratory, they are “more than twice as likely to suffer from the facets of occupational burnout involving emotional exhaustion and cynicism.” We must do much more to fully research and understand *moral injury* and discover better ways to help those who struggle.

- † All armed conflicts cause civilian casualties. That said, there is substantial evidence to suggest the number of civilian casualties is much lower in targeted killings than practically every other kind of military intervention. Because drones can follow targets for an extended period of time, drone operators can not only confirm that they have the correct target and that the target is engaging in the suspected behavior, they can also time the strike for when the target is most isolated from the civilian population. This extended

timeframe also allows for a real-time review of the operation by intelligence analysts and senior operational commanders.

It is virtually impossible to get an accurate count of civilian deaths caused by drones. In 2017, the Obama administration released a *Summary of U.S. Counterterrorism Strikes Outside Areas of Active Hostilities*. According to the report, between January 1, 2016 and December 31, 2016 the Total Number of Strikes Against Terrorist Targets Outside Areas of Active Hostilities was 53, there were between 431-441 Combatant Deaths, and there was only 1 Non-Combatant Death – which seems like a highly unlikely, if not downright ridiculous, number. There continues to be wide disparities between the U.S. government’s numbers and those of non-governmental organizations.

† Last and *least*, these interventions are far less financially expensive than conventional warfare. Even though this happens to be a benefit in this case, we believe saving money should never be a factor when it comes to the safety of our military.

There are at least three additional concerns regarding targeted killing that must be continually examined. One is the United States targeting American citizens abroad without a trial.

The most famous example of this is Anwar al-Awlaki, an American-born terrorist. In our view, Anwar al-Awlaki, living abroad, very loudly and visibly called for jihad against the United States. By doing so, he declared himself a traitor and enemy of the state and, therefore, forfeited his rights to the protections of our legal system.

The second concern is the international perception of the United States using targeted killing methods and whether this strategy is actually recruiting more militants. We absolutely have an international perception problem, but this is an inherent consequence of almost two decades of war – waged with or without drones. With this and many other issues, the United States must do a much, much better job with our Counter-Ideological Operations and Warfare efforts, and our outreach to the Middle East.

The third concern is summed up perfectly by *The Economist*: “If war can be waged by one side without any risk to the life and limb of its combatants, has a vital form of restraint been removed?” However, the idea that it’s best to kill your enemies with minimum risk to yourself is hardly new. It’s actually as old as war itself.

TORTURE

“Although a democracy must often fight with one hand tied behind its back, it nonetheless has the upper hand.”

– The Israeli Supreme Court –

The use of torture should be unequivocally and unapologetically rejected in any form. Our core national values are the most valuable currency we have. We must always strive to be champions of human rights, justice, and the rule of law.

THE SIX REASONS TORTURE SHOULD BE REJECTED

† THE USE OF TORTURE GOES AGAINST EVERY SINGLE THING THIS COUNTRY STANDS FOR

If we believe ourselves to be truly exceptional – and hold ourselves as a model for the world to follow – we simply cannot tolerate any activity that erodes our national values. Torture is egregious and a brutal violation of human rights, even in time of war. Torture not only corrupts

our military, but it also badly damages our global prestige and threatens our international power.

Over the past two decades, decisions made in the name of U.S. national security have proven to have hefty, long-term ramifications – legally, politically, and in our relationships with allies abroad.

The inherent overreach of our leadership – combined with severe and unacceptable mistakes (i.e., torture, Guantánamo, Abu Ghraib) – has sowed distrust and division within our citizenship, called into question our national core values, and threatened our global image as a world leader. Quite simply, this episode in our history makes us look like total hypocrites.

† THE USE OF TORTURE VIOLATES THE GENEVA CONVENTIONS

The Geneva Conventions are four treaties and three additional protocols that are the indisputable standard of international law for humanitarian treatment in war. The Geneva Conventions regulate the conduct of armed conflict, and set forth protections for civilians and humanitarian workers, as well as others directly involved with conflict such as wounded & sick soldiers and prisoners of war.

The first Geneva Convention protects wounded and sick soldiers on land during war, the second Geneva Convention protects wounded, sick and shipwrecked military personnel at sea during war, the third Geneva Convention addresses prisoners of war, and the fourth establishes wartime protections for civilians. Protocol I addresses the protection of victims of international armed conflicts, Protocol II addresses the protection of victims of non-international armed conflicts, and Protocol III addresses the adoption of an additional distinctive emblem.

The United States ratified Geneva Conventions I - IV in 1955. Protocols I and II have been signed but not ratified, and Protocol III was ratified in 2007. The first ten articles of the First Geneva Convention, which was the original Geneva Convention, were created in 1864. The United States ratified the original Geneva Convention in 1882.

† THE USE OF TORTURE VIOLATES THE UNITED NATIONS CONVENTION AGAINST TORTURE

The United Nations Human Rights, Office of the High Commissioner Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment says:

“For the purposes of this Convention, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

(1) Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. (2) No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. (3) An order from a superior officer or a public authority may not be invoked as a justification of torture.”

† THE USE OF TORTURE VIOLATES THE UNIFORM CODE OF MILITARY JUSTICE AND THE DETAINEE TREATMENT ACT OF 2005

Article 93 of the *Uniform Code of Military Justice* – the foundation of military law in the United States – says “any person subject to this

chapter who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders shall be punished as a court-martial may direct.”

In 2006, the Supreme Court ruled in its *Hamdan v. Rumsfeld* decision that this Article does in fact apply to top terror suspects detained by the United States. The Court held that the Guantánamo Bay military commission established by the Bush administration to try detainees “lacks power to proceed because its structures and procedures violate both the *Uniform Code of Military Justice* and the Geneva Conventions.”

Moreover, the Department of Defense issued Directive Number 3115.09 on October 11, 2012: “No person in DoD custody or physical control, detained in a DoD facility, or otherwise interrogated, debriefed, or questioned by DoD military personnel, civilian employees, or DoD contractor personnel shall be subject to cruel, inhuman, or degrading treatment or punishment as defined in title XIV of Public Law 109-163, also known as The Detainee Treatment Act of 2005. All intelligence interrogations, detainee debriefings, or tactical questioning by DoD military personnel, civilian employees, or DoD contractor personnel to gain intelligence from individuals in U.S. or foreign custody shall be conducted humanely in accordance with applicable law and policy.”

The Detainee Treatment Act of 2005 says:

“(a) In General – No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(b) Construction – Nothing in this section shall be construed to impose any geographical limitation on the applicability of the prohibition against cruel, inhuman, or degrading treatment or punishment under this section.

(c) Limitation on Supersedure –The provisions of this section shall not be superseded, except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(d) Cruel, Inhuman, or Degrading Treatment or Punishment Defined – In this section, the term “cruel, inhuman, or degrading treatment or punishment” means the cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.”

In January 2017, the United Nations, Office of the High Commissioner reiterated that waterboarding is torture.

“The United Nations Special Rapporteur on torture, Nils Melzer, appealed to U.S. President Donald Trump not to reconsider the acceptability of waterboarding and other methods of torture used as interrogation techniques. ‘Without any doubt, waterboarding amounts to torture,’ said the independent expert tasked by the Human Rights Council with monitoring and reporting on the use of torture and other cruel, inhuman or degrading treatment or punishment around the world.

‘Any tolerance, complacency or acquiescence with such practice, however exceptional and well-argued, will inevitably lead down a slippery slope towards complete arbitrariness and brute force,’ Mr. Melzer cautioned. ‘I urgently appeal to President Trump to carefully consider not only U.S. legal obligations, doctrine and tradition, but also the consolidated legal and moral views of the entire international community before allowing the re-introduction of methods or interrogation that are more closely associated with barbarism than with civilization. I remain open to engage in a direct and constructive dialogue with the President.’

The Special Rapporteur noted that the U.S. has always publicly affirmed its belief in the rule of law and respect for truth, and called on the Government to live up to the standards

the nation has set both for itself and others. ‘If the new Administration were to revive the use of torture, however, the consequences around the world would be catastrophic,’ he warned. ‘Should Mr. Trump follow through on all of his pledges, more countries are likely to follow his lead and get back into the torture business – an ultimate disgrace for all of humanity.’”

† EVERY TIME WE ABANDON OUR VALUES AND VIOLATE OUR CODE OF HONOR, WE ESSENTIALLY RECRUIT NEW FOLLOWERS FOR OUR ENEMIES

See the *Counter-Ideological Warfare* section.

† NOT THAT THIS MATTERS – BECAUSE WE WOULDN’T SUPPORT ITS USE EITHER WAY – BUT TORTURE ISN’T EVEN EFFECTIVE.

I want to be clear: The words below show that the CIA made serious misjudgments in the past. However, I believe Abraham Lincoln said it best:

“Human nature will not change. In any future great national trial, compared with the men of this, we shall have as weak, and as strong; as silly and as wise; as bad and good. Let us, therefore, study the incidents of this, as philosophy to learn wisdom from, and none of them as wrongs to be revenged.”

I have the utmost trust, respect and gratitude for the CIA. That said, I deeply believe the following should be read as a cautionary tale. *We can never, ever go back to this.*

The fact that the United States of America ever engaged in these activities is horrifying and shameful. The acts described below are egregious and a brutal violation of human rights, even in time of

war. This behavior not only corrupts our military, but it also badly damages our global prestige and threatens our international power.

§§§

After the 9/11 terrorist attacks, President George W. Bush launched an aggressive campaign to secure this nation, authorizing a number of activities that went far beyond the parameters of traditional law enforcement.

Specifically, the *Rendition, Detention, and Interrogation Program* implemented by the CIA was a global counter-terrorism effort tasked with disrupting al-Qaeda and protecting the United States against another large-scale domestic attack.

In 2014, the U.S. Senate Select Committee on Intelligence released a 528-page executive summary of its study of this program (the entire classified report, approved in 2012, is over 6,700 pages). In part, the Committee found that the interrogations of CIA detainees were brutal and far worse than the CIA represented to policymakers, and that the conditions of confinement for CIA detainees were harsher than the CIA had represented.

The report describes detainees who were “stripped and shackled nude, placed in the standing position for sleep deprivation, or subjected to other CIA enhanced interrogation techniques prior to being questioned by an interrogator.” One detainee, alleged Afghan fighter Gul Rahman, was taken to detention site Cobalt (a.k.a. The Salt Pit), a CIA facility located north of Kabul. There he was “shackled to the wall of his cell in a position that required the detainee to rest on the bare concrete floor.”

His dead body was found the next day. “An internal CIA review and autopsy assessed that Rahman likely died from hypothermia – in part from having been forced to sit on the bare concrete floor without pants.”

Waterboarding is also detailed in the Senate report. Abu Zubaydah, another detainee, was waterboarded to the point that he became “completely unresponsive, with bubbles rising through his open, full

mouth...Internal CIA records describe the waterboarding of Khalid Shaykh Mohammad (KSM) as evolving into a ‘series of near drownings.’” The report also found that the CIA waterboarded KSM at least 183 times, and that KSM’s reporting included “significant fabricated information.”

The most damaging – and devastating – part of the Senate report comes under the very long heading: “The CIA did not conduct a comprehensive or accurate accounting of the number of individuals it detained and held individuals who did not meet the legal standard for detention. The CIA’s claims about the number of detainees held and subjected to its enhanced Interrogation techniques were inaccurate.” The section included this:

“The CIA never conducted a comprehensive audit or developed a complete and accurate list of the individuals it had detained or subjected to its enhanced interrogation techniques. CIA statements to the Committee and later to the public that the CIA detained fewer than 100 individuals, and that less than a third of those 100 detainees were subjected to the CIA’s enhanced interrogation techniques, were inaccurate. The Committee’s review of CIA records determined that the CIA detained at least 119 individuals, of whom at least 39 were subjected to the CIA’s enhanced interrogation techniques. Of the 119 known detainees, at least 26 were wrongfully held and did not meet the detention standard in the September 2001 *Memorandum of Notification*.”

In response to the Senate report, the CIA admitted mistakes and acknowledged that the Agency “was unprepared and lacked core competencies to respond effectively to the decision made in the aftermath of the 9/11 attacks that the Agency undertake what would be an unprecedented program of detaining and interrogating suspected al-Qaeda and affiliated terrorists. This lack of preparation and competencies resulted in significant lapses in the Agency’s ability to develop and monitor its initial detention and interrogation activities.”

They also acknowledged that the agency “failed to perform a comprehensive and independent analysis on the effectiveness of enhanced interrogation techniques.”

But they pushed back on other findings: “The Agency disagrees with the study’s unqualified assertions that the overall detention and interrogation program did not produce unique intelligence that led terrorist plots to be disrupted, terrorists to be captured, or lives to be saved.”

Maybe torture did produce some “unique intelligence” but certainly not every time. In fact, the most useful intel was gained when detainees were questioned using non-coercive techniques. < Note: Just to warn you, some of this is pretty rough reading. >

“Foreign authorities captured Hassan Ghul in the Iraqi Kurdistan Region. After his identity was confirmed in January 2004, Ghul was rendered from U.S. military custody to CIA custody at Detention Site COBALT. The detention site interrogators, who, according to CIA records, did not use the CIA’s enhanced interrogation techniques on Ghul, sent at least 21 intelligence reports to CIA Headquarters based on their debriefings of Hassan Ghul from the two days he spent at the facility. CIA records indicate that the most accurate CIA detainee reporting on the facilitator who led to Usama bin Laden (UBL) was acquired from Hassan Ghul - prior to the use of the CIA’s enhanced interrogation techniques.

During this same period, prior to the use of the CIA’s enhanced interrogation techniques, Ghul provided information related to Abu Musab al-Zarqawi, Abu Faraj al-Libi (including his role in delivering messages from UBL), Jaffar al-Tayyar, ‘Abd al-Hadi al-Iraqi, Hamza Rabi’a, Shaik Sa’id al-Masri, Sharif al-Masri, Abu ‘Abd al-Rahman al-Najdi, Abu Talha al-Pakistani, and numerous other al-Qaeda operatives. He also provided information on the locations, movements, operational security, and training of al-Qaeda leaders living in Shkai, Pakistan, as well as on the visits of other leaders and operatives to Shkai. Ghul’s reporting on Shkai, which was included in at

least 16 of the 21 intelligence reports, confirmed earlier reporting that the Shkai valley served as al-Qaeda command and control center after the group's 2001 exodus from Afghanistan.

Notwithstanding these facts, in March 2005, the CIA represented to the Department of Justice that Hassan Ghul's reporting on Shkai was acquired 'after' the use of the CIA's enhanced interrogation techniques. After two days of questioning at Detention Site COBALT and the dissemination of 21 intelligence reports, Ghul was transferred to Detention Site BLACK. According to CIA records, upon arrival, Ghul was 'shaved and barbered, stripped, and placed in the standing position against the wall' with 'his hands above his head' with plans to lower his hands after two hours. The CIA interrogators at the detention site then requested to use the CIA's enhanced interrogation techniques on Ghul, writing: '[the] interrogation team believes, based on [Hassan Ghul's] reaction to the initial contact, that his al-Qaeda briefings and his earlier experiences with U.S. military interrogators have convinced him there are limits to the physical contact interrogators can have with him. The interrogation team believes the approval and employment of enhanced measures should sufficiently shift [Hassan Ghul's] paradigm of what he expects to happen. The lack of these increased [sic] measures may limit the team's capability to collect critical and reliable information in a timely manner.'

CIA Headquarters approved the request the same day. Following 59 hours of sleep deprivation, Hassan Ghul experienced hallucinations, but was told by a psychologist that his reactions were 'consistent with what many others experience in his condition,' and that he should calm himself by telling himself his experiences are normal and will subside when he decides to be truthful. The sleep deprivation, as well as other enhanced interrogations, continued, as did Ghul's hallucinations."

Ghul also complained of back pain and asked to see a doctor, but interrogators responded that the 'pain was normal, and would stop when [Ghul] was confirmed as telling the truth.'

A cable states that ‘interrogators told [Ghul] they did not care if he was in pain, but cared only if he provided complete and truthful information.’ A CIA physician assistant later observed that Hassan Ghul was experiencing ‘notable physiological fatigue,’ including ‘abdominal and back muscle pain/spasm, heaviness and mild paralysis of arms, legs and feet [that] are secondary to his hanging position and extreme degree of sleep deprivation,’ but that Ghul was clinically stable and had ‘essentially normal vital signs,’ despite an ‘occasional premature heart beat’ that the cable linked to Ghul’s fatigue.

Throughout this period, Ghul provided no actionable threat information, and much of his reporting on the al-Qaeda presence in Shkai was repetitive of his reporting prior to the use of the CIA’s enhanced interrogation techniques. Ghul also provided no other information of substance on UBL facilitator Abu Ahmad al-Kuwaiti.’

Other detainees, including Khalid Shaykh Mohammad, provided false information after tortuous interrogation. “Internal CIA records describe the waterboarding of Khalid Shaykh Mohammad (KSM) as evolving into a ‘series of near drownings.’” The report also found that the CIA waterboarded KSM at least 183 times, and that KSM’s reporting included “significant fabricated information.”

In a staggering disconnect, in his book *Playing to the Edge*, Michael Hayden (CIA Director from May 30, 2006 – February 12, 2009) recounts a story of a professional relationship he had with a CIA interrogator who interrogated Khalid Shaykh Mohammad.

In his account, this interrogator had “built up a personal relationship with KSM.” According to this interrogator, “KSM referred to him as Amir, a term of respect for the man who had waterboarded him and made him feel, over and over again, as though he was drowning. The interrogation techniques – in KSM’s case, especially sleep deprivation – had pushed him into what the interrogators called a zone of cooperation from his previous zone of defiance and after that, KSM’s questioning resembled more an interview than an interrogation. The information we got from him and others was incredibly valuable.”

Wow! It sounds like KSM was at Disney World hanging out with his buddies!

I have tons of respect for General Hayden, and deeply appreciate his four-plus decades of service to this country. But still...If anyone is going to defend these techniques, please at least have the guts to be honest about what they truly are, and how and why they were used.

There are two other highly concerning parts of General Hayden's book. Predictably, he was aghast that the Senate Select Committee on Intelligence was going to release a report on the CIA's detention and interrogation program, which is understandable because he would certainly be right in the thick of things. However, what deeply disturbs me are two specific passages:

The first worrisome passage is this: "I've since reflected on the Feinstein report and what lessons to draw from it. One positive take-away was the clear need to brief Congress fully and contemporaneously on sensitive activity...I'm close to drawing a second, darker conclusion too. Be careful what you tell these people. Some are less interested in honest dialogue than listening to rebut and accuse and discredit."

General, regardless of what you think of members of Congress, it is not up to you – or anyone, for that matter – to decide what the CIA *does* and *does not* get to tell them. In fact, that attitude is what got you all into this mess in the first place. Even though the U.S. Constitution grants no formal congressional oversight power, it is implied in Congress's vast breadth of enumerated powers. Checks and balances are vital to our democracy.

The second worrisome passage is this: "Why the report? CIA was out of the interrogation business. It wasn't going back."

Sir, with all due respect, that is a shockingly naïve statement for a retired United States Air Force four-star general and former Director of the National Security Agency. Those who cannot remember the past, or are content to sweep it under the rug, *are condemned to repeat it*.

Thankfully, the CIA did not use enhanced interrogation techniques after November 8, 2007, and no detainee was held by the CIA after April 2008. In January 2009, President Obama signed executive orders to end

CIA secret prisons, and to declare that all interrogations must follow the non-coercive methods of the Army Field Manual.

In the CIA's response to the Senate report, CIA Director John Brennan – who was Director from March 8, 2013 - January 20, 2017 – wrote:

“The Agency takes no position on whether intelligence obtained from detainees who were subjected to enhanced interrogation techniques could have been obtained through other means or from other individuals. The answer to this question is and will forever remain unknowable.

After reviewing the Committee Study and the comments of the Agency review team, and as I indicated at the outset of this memorandum, I personally remain firm in my belief that enhanced interrogation techniques are an inappropriate method for obtaining intelligence. Moreover, it is my resolute intention never to allow any Agency officer to participate in any interrogation activity in which enhanced interrogation techniques would be employed.”

He's hardly alone. Forty-two (42) retired generals and admirals of the U.S. Armed Forces sent a letter to the 2016 presidential candidates. Much of the letter reflected on our nation's values:

“We know from experience that U.S. national security policies are most effective when they uphold our nation's core ideals...Torture violates our core values as a nation. Our greatest strength is our commitment to the rule of law and to the principles embedded in our Constitution. Our servicemen and women need to know that our leaders do not condone torture of any kind...George Washington admonished his soldiers that anyone engaging in torture ‘bring[s] shame, disgrace and ruin to themselves and their country.’ Ronald Reagan pressed the Senate to ratify the Convention Against Torture, stating that the United States must clearly express her will to ‘bring an end to the abhorrent practice of torture.’”

But the generals and admirals went a step further:

“Torture is unnecessary. Based on our experience – and that of our nation’s top interrogators, backed by countless studies – we know that lawful, rapport-based interrogation techniques are the most effective way to elicit actionable intelligence. But torture is actually worse than unnecessary; it is counterproductive and undermines our national security.

It increases the risks to our troops, hinders cooperation with allies, alienates populations whose support the United States needs in the struggle against terrorism, and provides a propaganda tool for extremists who wish to do us harm.”

After a December 2021 hearing in Guantánamo for a Pakistani man named Majid Khan – which detailed inhuman treatment during interrogations by American officials, including beatings, forced sodomy, and tubes covered with hot sauce being shoved up his nose – seven horrified members of the jury, all senior military officers, called Mr. Khan’s treatment a “stain on the moral fiber of America.” They went on to say that his treatment was the same as the “torture performed by the most abusive regimes in modern history.”

“Mr. Khan was subjected to physical and psychological abuse well beyond approved enhanced interrogation techniques. This abuse was of no practical value in terms of intelligence, or any other tangible benefit to U.S. interests...The treatment of Mr. Khan in the hands of U.S. personnel should be a source of shame for the U.S. government.”

TRANSNATIONAL CRIME

The *Annual Threat Assessment* from the U.S. Director of National Intelligence, released on April 9, 2021, warns: “We expect the threat from transnational organized crime networks supplying potent illicit drugs, which annually kill tens of thousands of Americans, to remain at a critical level. The pandemic has created some challenges for traffickers, mainly due to restrictions on movement, but they have proven highly adaptable, and lethal overdoses have increased.”

Other highlights from the report:

- † Transnational criminal organizations will continue to employ cyber tools to steal from U.S. and foreign businesses and use complex financial schemes to launder illicit proceeds, undermining confidence in financial institutions.
- † Mexican traffickers dominate the smuggling of cocaine, fentanyl, heroin, marijuana, and methamphetamine into the United States. They produce heroin, marijuana, and methamphetamine in Mexico, and they obtain cocaine from South American suppliers. They almost certainly will make progress producing high-quality fentanyl through this year, using chemical precursors from Asia.
- † The total number of overdose deaths increased from 2018 to 2019, and opioids – particularly fentanyl – are involved in more than half those deaths, according to the Centers for Disease Control. As of July 2020, provisional data suggests that the total number of overdose deaths have continued to rise.
- † Traffickers temporarily slowed drug smuggling because of stricter controls along the U.S. southwest border associated with the pandemic but have since resumed operations.

TRANSNATIONAL CRIME PLAN OF ACTION

You can find detailed information on each of these recommendations at www.1787forAmerica.org.

- † Support and protect the Mérida Initiative and strengthen bilateral partnerships between Mexican and U.S. law enforcement agencies.
- † Strengthen the Bureau of International Narcotics and Law Enforcement Affairs (INL).
 - † Help foreign governments build effective law enforcement institutions that counter transnational crime.
 - † Combat corruption by helping governments and civil society build transparent and accountable public institutions.
 - † Disrupt transnational crime and enforce strong criminal penalties against transnational criminal networks.
 - † Disrupt and dismantle human trafficking networks before migrants reach the United States.
 - † Establish and implement international treaties for combating crime & provide tools for legal cooperation in criminal cases among countries.
 - † Support the International Law Enforcement Academy (ILEA).

VETERANS

You are selfless. You are brave.
You are the very best of America.
Everything we have, you have secured for us.
Everything we hope to be, you have protected.

Here is our sacred vow:
We will also do everything in our power to protect YOU.

Thank you, from the bottom of our hearts.

VETERANS PLAN OF ACTION

You can find detailed information on each of these
recommendations at www.1787forAmerica.org.

HEALTH CARE

- † Guarantee that our veterans have access to timely, high quality health care.
- † Completely overhaul the VA and the VHA. Hold them fully accountable.
- † No more shifting a backlog of undecided claims into an overwhelmed appeals system. Fast, accurate benefits decisions now!

- † Fully exchangeable lifetime, electronic medical records that connect the Department of Defense and VA.
- † Aggressively strengthen the mental health services provided to our service members, veterans, and their families.
- † Provide gender-specific health care and services to protect and honor women veterans.
- † Fully research and understand “moral injury” and discover better ways to help those who struggle.
- † Utilize complementary and alternative therapies to combat PTSD. Fully fund the “Integrative Health and Wellness Program.”
- † Utilize complementary and alternative therapies to prevent suicides. Fully fund the “Integrative Health and Wellness Program.”
- † Launch *National Opioid Withdrawal* (NOW), 1787’s program that targets this urgent public health emergency.
- † Ensure that all veterans receive adequate, discreet care in the aftermath of military sexual trauma. Fully prosecute.

EMPLOYMENT

- † Make sure every veteran has rewarding employment opportunities.
- † Encourage the acceptance of military training and experience to be acceptable for licenses and credentials in specialized fields.
- † Allow certain GI Bill funds to be used for small-business capitalization.
- † Mandate that a certain number of federal contracts be awarded to businesses owned by service-disabled veterans.
- † Move oversight of the “Vocational Rehabilitation & Employment” program from the Veterans Benefits Administration (VBA) to a special division of *U.S. Works* (see Part Two of this book series).
- † Move oversight of the Disabled Veterans’ Outreach Program Specialists (DVOP) and Local Veterans’ Employment

Representatives (LVER) services from the Department of Labor to a special division of *U.S. Works* (see Part Two of this book series).

EDUCATION

- † Veterans earn their education benefits in the most difficult way possible. Protect these benefits at all costs.
- † Guarantee that all military children have access to high-quality education, from pre-k through college.
- † Offer better support to military spouses and partners, including appropriate education and employment.
- † Expand the “Iraq and Afghanistan Service Grant” to include students whose parent/guardian died as a result of military service anywhere.

WE GOT YOU!

- † Noncitizen veterans should never be removed from this country without careful, extensive review.
- † Expand the *Supportive Services for Veteran Families Program*.
- † Support permanent supportive housing through the HUD-Veterans Affairs Supportive Housing (HUD-VASH).
- † Fund the Homeless Veterans Reintegration Program and move its oversight to *U.S. Works*.
- † Support the Homeless Providers Grant and Per Diem (GPD) transitional housing program.
- † Eliminate the funding fee associated with the Home Loan Guaranty program.
- † Reinstigate strict restrictions on payday lenders and ferociously protect the *Military Lending Act*.

WHISTLEBLOWERS

When it comes to “whistleblowing” we are dealing with a huge spectrum of activities, so let’s distinguish between the different levels.

There is, of course, straightforward whistleblowing – much of which is protected by federal law. For example, the *False Claims Act* (a.k.a. the “Lincoln Law”) is a law that targets individuals and/or companies who defraud governmental programs. The law includes something called a *qui tam* provision, which allows private individuals to file suit on behalf of the government (the person bringing the action is officially called a “relator” but they are really just a whistleblower).

Under the *False Claims Act*, the U.S. Department of Justice collected over \$2.2 billion in settlements/judgments involving fraud/false claims against the U.S. government in FY2020 alone, bringing the total collected to over \$64 billion since 1986.

The Occupational Safety & Health Administration’s (OSHA) *Whistleblower Protection Program*

“Enforces the whistleblower provisions of more than twenty whistleblower statutes protecting employees who report violations of various workplace safety and health, airline, commercial motor carrier, consumer product, environmental, financial reform, food safety, health insurance reform, motor vehicle safety, nuclear, pipeline, public transportation agency, railroad, maritime, and securities laws.

Rights afforded by these whistleblower protection laws include, but are not limited to, worker participation in safety and health activities, reporting a work-related injury, illness or fatality, or reporting a violation of the statutes herein.”

The U.S. Securities and Exchange Commission’s (SEC) believes that people “who know of possible securities law violations can be among the most powerful weapons in the law enforcement arsenal of the Securities and Exchange Commission. Through their knowledge of the circumstances and individuals involved, whistleblowers can help the

Commission identify possible fraud and other violations much earlier than might otherwise have been possible. That allows the Commission to minimize the harm to investors, better preserve the integrity of the United States' capital markets, and more swiftly hold accountable those responsible for unlawful conduct.”

And this can be super lucrative! “The Commission is authorized by Congress to provide monetary awards to eligible individuals who come forward with high-quality original information that leads to a Commission enforcement action in which over \$1,000,000 in sanctions is ordered. The range for awards is between 10 percent and 30 percent of the money collected.”

Ordinary people blowing extraordinary whistles include Mark Felt, or *Deep Throat*, who brought the Watergate scandal to light and ended Richard Nixon’s presidency. Sherron Watkins, whose infamous memo to Enron founder Ken Lay warned of the company’s nefarious accounting practices and the ultimate destruction of the company.

Also, Jeffrey Wigand, an American biochemist and former vice-president of research and development at tobacco company Brown & Williamson, who blew the whistle on the tobacco industry and its attempts to cover-up the documented link between cigarettes and lung cancer.

In 2015, an anonymous source leaked what are known as the *Panama Papers* – 11.5 million documents that disclosed the financial information for over 214,000 offshore entities. The documents were taken from Mossack Fonseca & Co. which, at the time, was the fourth largest offshore financial services provider in the world.

The documents – which reveal how wealthy clients of Mossack Fonseca hid billions of dollars in tax havens – were originally given to the German newspaper *Süddeutsche Zeitung*, but eventually ended up in the hands of the International Consortium of Investigative Journalists, which said of the papers:

“The *Panama Papers* is one of the biggest leaks and largest collaborative investigations in journalism history. The Papers are a massive leak of documents that exposes the offshore holdings of 12 current and former world leaders and reveals how

associates of Russian President Vladimir Putin secretly shuffled as much as \$2 billion through banks and shadow companies. The records reveal a pattern of covert maneuvers by banks, companies and people tied to Russian leader Putin. The records show offshore companies linked to this network moving money in transactions as large as \$200 million at a time. Putin associates disguised payments, backdated documents and gained hidden influence within the country's media and automotive industries.”

So, these whistleblowers all sound pretty defensible, right?!? But HERE is where it gets more complicated:

The Right to *Know* Versus *National Security*.

The best way to illustrate my position on this topic is to compare and contrast the *Pentagon Papers* with Chelsea Manning, Edward Snowden, and Julian Assange.

In 1971, Daniel Ellsberg released the *Report of the Office of the Secretary of Defense Vietnam Task Force* – otherwise known as the *Pentagon Papers* – a top-secret, seven-thousand-page Pentagon study of the U.S. government's decision-making process during the Vietnam War. The *Pentagon Papers* detailed massive policy and leadership failures, and the revelations proved that the Johnson Administration lied to the public and the U.S. Congress about the scope of activity in Vietnam.

Ellsberg disclosed information that the American people *needed* – and indeed *had the right* – to know. In my mind, this is where the line should be drawn: *discretion*. Ellsberg's leak did not include everything in the Vietnam report. For example, he omitted everything concerning ongoing diplomatic efforts, including those underway to safely release prisoners of war.

On the other hand, Chelsea Manning, Edward Snowden, and Julian Assange failed to use this discretion, and that is when they all crossed the line.

After the 9/11 terrorist attacks, President George W. Bush launched an aggressive campaign to secure this nation, authorizing several activities that went far beyond the parameters of traditional law enforcement. At the same time, Congress passed sweeping legislation designed to enhance American counterterrorism efforts. This included the *USA PATRIOT Act*, which significantly increased the federal government's authority to gather, analyze and investigate private information related to U.S. citizens.

President Obama also sanctioned hardcore surveillance practices. A program called PRISM gathered the private communications of users of nine popular Internet services, including Microsoft, Yahoo, Apple, Google and Facebook.

However, the American public did not know any of this...

...until Edward Snowden took top-secret documents from the National Security Agency (NSA). Working as an intelligence contractor for Booz Allen Hamilton in Hawaii, Snowden "touched" up to 1.5 million NSA files. In 2013, the *Guardian* published the first of Snowden's stolen documents, the first of over 7,000 top-secret documents that journalists have since released.

Here are just some of the things we learned about the NSA and American citizens (this information came directly from *The Business Insider: This Is Everything Edward Snowden Revealed in One Year of Unprecedented Top-Secret Leaks*, written by Paul Szoldra):

"The NSA collected the telephone records from millions of Verizon customers; The NSA accessed and collected data through back doors into U.S. Internet companies such as Google and Facebook with the aforementioned PRISM; The NSA had a program code-named EvilOlive that collected and stored large quantities of Americans' Internet metadata; Until 2011, the Obama administration permitted the NSA's continued collection of vast amounts of Americans' email and Internet metadata

under a Bush-era program called Stellar Wind; Internal NSA document revealed an agency “loophole” that allowed a secret backdoor for the agency to search its databases for U.S. citizens’ emails and phone calls without a warrant; The NSA broke privacy rules thousands of times per year, according to an internal audit; and The NSA collected more than 250 million email contact lists from services such as Yahoo and Gmail.”

On the positive side, Snowden’s actions initiated a debate about domestic surveillance that forced the U.S. government to pass laws to better protect the American public’s privacy. Had he left it there, I would call him a hero. But, Snowden crossed the line. Unlike Daniel Ellsberg, Snowden also released classified information that greatly jeopardized our national security, compromised our foreign intelligence operations, and harmed our relationships with many of our allies.

Snowden’s actions revealed plenty of information to our allies – and to our enemies. For example, we’re sure our enemies were interested to read:

“An 18-page presidential memo showing President Obama ordered intelligence officials to draw up a list of overseas targets for cyber-attacks; That the U.S. carried out 231 offensive cyber-attacks in 2011; That the NSA hacked into Qatar-based media network *Al Jazeera’s* internal communications system; That NSA surveillance played a key role in the targeting for overseas drone strikes; That the NSA stationed surveillance teams at 80 locations around the world; That Britain’s GCHQ (its intelligence agency) and other European spy agencies worked together to conduct mass surveillance; Strategic missions of the NSA, which include combatting terrorism and nuclear proliferation, as well as pursuing U.S. diplomatic and economic advantage; That the NSA infected more than 50,000 computer networks worldwide with malware designed to steal sensitive information; That the NSA gathered evidence of visits to pornographic websites as part of a plan to discredit Muslim jihadists; That Intelligence operatives with NSA and GCHQ

infiltrated online video games such as “World of Warcraft” in an effort to catch and stop terrorist plots; That the NSA has the ability to decrypt the common A5/1 cellphone encryption cipher; That, with a \$79.7 million research program, the NSA was working on a quantum computer that would be able to crack most types of encryption; That, using radio transmitters on tiny circuit boards or USB drives, the NSA can gain access to computers not connected to the Internet; That the U.S.'s “targeted killing” program of drone strikes relied mostly on cellphone metadata and geolocation, rather than on-the-ground human intelligence; and that the NSA developed sophisticated malware “implants” to infect millions of computers worldwide.”

And I’m fairly certain our allies did not appreciate the following information getting out on our watch...

“Britain’s GCHQ intercepted phone & Internet communications of foreign politicians attending two G-20 meetings in London in 2009; Britain’s GCHQ tapped fiber-optic cables to collect and store global email messages, Facebook posts, Internet histories, and calls, and then shared the data with the NSA; Seven of the world’s leading telecommunications companies provide GCHQ with secret, unlimited access to their network of undersea cables; Britain ran a secret Internet-monitoring station in the Middle East to intercept emails, phone calls, and web traffic; Britain’s GCHQ launched a cyber-attack against Belgacom, a partly state-owned Belgian telecommunications company; Canada’s signals intelligence agency, CSEC, spied on phone and computer networks of Brazil’s Ministry of Mines and Energy and shared the information with the “Five Eyes” intelligence services of the U.S., Canada, Britain, Australia, and New Zealand; Australia's DSD spied on the cellphones of top Indonesian officials, including the president, first lady, and several cabinet ministers; The British government struck a secret

deal with the NSA to share phone, Internet, and email records of UK citizens; Working with Canadian intelligence, the NSA spied on foreign diplomats at the G-8 and G-20 summits in Toronto in 2010; A draft document revealed Australia offered to share information collected on ordinary Australian citizens with the NSA and other “Five Eyes” partners; Swedish intelligence was revealed to be spying on Russian leaders, then passing it on to the NSA; The Norwegian Intelligence Service was developing a supercomputer, called Steel Winter, to decrypt and analyze data from Afghanistan, Russia, and elsewhere; Australia’s intelligence service had surveillance teams stationed in Australian embassies around Asia and the Pacific; and Australia’s Defense Signals Directorate and the NSA worked together to spy on Indonesia during a UN climate change conference in 2007.”

And, of course, they probably weren’t too happy that we were actually spying on *them* as well...

“The U.S. government bugged the offices of the European Union in New York, Washington, and Brussels; The U.S. government was spying on at least 38 foreign embassies and missions, using a variety of electronic surveillance methods; The NSA spied on millions of phone calls, emails, and text messages of ordinary German citizens; Using a program called Fairview, the NSA intercepted Internet and phone-call data of Brazilian citizens; The NSA conducted surveillance on citizens in a number of Latin American countries, including Venezuela, Colombia, Argentina, Panama, Ecuador, Peru, and others. The agency also sought information on oil, energy, and trade; The NSA provided surveillance to U.S. diplomats in order to give them the upper hand in negotiations at the UN Summit of the Americas; The NSA spied on former Brazilian President Dilma Rousseff and Mexican President Enrique Peña Nieto (then a

candidate); Using a “man in the middle” attack, NSA spied on Google, the French Ministry of Foreign Affairs, the Society for Worldwide Interbank Financial Telecommunications, and the Brazilian oil company Petrobras; The NSA spied on Indian diplomats and other officials in an effort to gain insight into the country's nuclear and space programs; The NSA tapped the mobile phone of German Chancellor Angela Merkel; The NSA spied on Italian citizens, companies, and government officials; The NSA monitored the phone calls of 35 world leaders and encouraged other government agencies to share their “Rolodexes” of foreign politicians so it could monitor them; The NSA spied on Spanish leaders and citizens; The NSA spied on the Vatican; The NSA spied on millions of cellphone calls in Norway in one 30-day period; Widespread spying was revealed in Italy, with the NSA spying on ordinary Italians as well as diplomats and political leaders; The NSA closely monitored the Chinese technology firm Huawei in attempt to reveal ties between the company and the Chinese military. The agency also spied on Chinese banks and other companies, as well as former President Hu Jintao.”

In the largest leak in U.S. military history, Bradley Manning – now Chelsea Manning – a former U.S. Army soldier and intelligence analyst, leaked a massive amount of *classified* and *unclassified but sensitive* documents to WikiLeaks.

The leaked information included videos of airstrikes, U.S. diplomatic cables, and 391,832 United States Army field reports. These Army field reports, now known as the *Iraq War Documents* or *Iraq War Logs* contain almost 400,000 military logs recorded between 2004 to 2009.

Again, there were things that Americans needed to know – like unreported civilian deaths, prison abuse by U.S. troops, and the widespread use of torture – but, because she indiscriminately leaked everything (to Wikileaks no less, see next paragraph), Manning also crossed the line.

Luckily, reputable media outlets such as the *Bureau of Investigative Journalism* redacted sensitive information before they published the

information, but Wikileaks showed no such concern for the well-being of our troops or to anything else having to do with our national interests. Manning was convicted by court-martial and sentenced to 35 years at Fort Leavenworth. Ultimately, President Obama commuted her sentence to time served, which was almost seven years behind bars.

Julian Assange not only continually crossed the line, he blew right through it. He is not a hero, a journalist or a whistleblower. He's just a straight up criminal hacker.

Even before the Mueller report was released in April 2019, it had become clear that Wikileaks and Assange gave zero thought to the real-life consequences of indiscriminately publishing stolen material. What started out as a website for so-called "transparency" and "accountability" obviously turned into nothing more than a vehicle for revenge and personal agenda.

We already knew that putting people at risk meant nothing to Wikileaks – publishing Chelsea Manning's unredacted material proved that. But Assange and Wikileaks took it to a whole new level when they published almost 300,000 emails from Turkish President Recep Tayyip Erdoğan's Justice & Development Party (AKP).

What was supposed to be damaging information about Erdoğan was instead personal, sometimes sensitive, information about everyday Turkish citizens, including their home addresses, phone numbers, and political party affiliation. This is a bad move anytime, but it is especially dangerous at a time when thousands of people – including soldiers and judiciary members – were still being detained and arrested after a failed military coup.

And then the icing on the cake: Wikileaks' interference in our 2016 U.S. presidential election, including working with Guccifer 2.0, a hacker, to obtain 20,000 stolen emails from the Democratic National Committee (DNC) and the chairman of the Hillary Clinton campaign.

Plus, in a really prick move on Assange's part, Special Counsel Robert Mueller revealed that Assange and Wikileaks, in order "to obscure the source of the materials that WikiLeaks was releasing," "made a number of statements about Seth Rich, a former DNC staff member who was killed in July 2016. The statements about Rich implied falsely that he had been the source of the stolen DNC emails." Complete jerks.

Finally, in an 18-count indictment for multiple violations of the *Espionage Act*, the United States Department of Justice charges that “cables that WikiLeaks published included names of persons throughout the world who provided information to the U.S. government in circumstances in which they could reasonably expect that their identities would be kept confidential. These sources included journalists, religious leaders, human rights advocates, and political dissidents who were living in repressive regimes and reported to the United States the abuses of their own government, and the political conditions within their countries, at great risk to their own safety.”

On April 11, 2019, the U.S. Department of Justice announced that Julian Assange was arrested in the United Kingdom pursuant to the *U.S./UK Extradition Treaty*, in connection with the Chelsea Manning leak. In December 2021, the London High Court ruled that Assange, who has been detained in a London maximum security prison since his arrest, could be extradited to the United States for trial.

FOREIGN POLICY ISSUES

GLOBAL HEALTH

The United States should be committed to:

- † The continued development of drugs, vaccines, diagnostic tests, and other treatments for diseases that are still prevalent in poorer countries (like tuberculosis and malaria). Plus, a strong focus on infectious disease prevention and treatment for diseases like pneumonia.
- † Funding HIV/AIDS research through PEPFAR to end AIDS as a public health threat for good: “Working in over 50 countries, the U.S. President’s Emergency Plan for AIDS Relief (PEPFAR) has saved and improved millions of lives, prevented millions of HIV infections, and changed the course of the global HIV/AIDS epidemic. PEPFAR supports more than 14 million people with lifesaving antiretroviral treatment. With PEPFAR support, more than 2.2 million babies have been born HIV-free to pregnant women living with HIV, and their mothers have been kept healthy and alive to protect and nurture them. PEPFAR also assists more than 6.4 million orphans, vulnerable children, and their caregivers. PEPFAR is widely regarded as one of the most effective and efficient development programs in history.”
- † A United Nations resolution to regulate the use of antibiotics (in both humans and agriculture) to effectively manage the growing threat of drug-resistant infections.
- † Supporting the education of – and provide modern contraceptive methods to – women and girls in poorer countries, which can lead to smaller family sizes, lower infant mortality, and potentially lower levels of disease.

The United States must be a leader in the advancement of global health and a champion for making the world a cleaner, safer place. It matters. A lot.

According to the World Health Organization (WHO):

“In 2016, maternal mortality was the second leading cause of death for women of reproductive age, after HIV/AIDS, and was the leading cause among women aged 15–29 years. Almost all maternal deaths (95 percent) occurred in low-income and lower-middle-income countries, and almost two thirds (65 percent) occurred in the WHO African Region.

An estimated 5.4 million children aged under 5 years died in 2017, of whom 2.5 million were female and 2.9 million male. Of these deaths, 2.5 million occurred during the first 28 days of life. More than half of under-5 child deaths are due to diseases that are preventable and treatable through simple, affordable interventions. The leading causes of death in young children over 28 days of age remain pneumonia, diarrhea, birth defects and malaria (in malaria endemic countries). Rates of death from all conditions are higher in low-income countries, but children in low-income countries are more than 100 times more likely to die from infectious diseases than those in high-income countries. Children who die within the first 28 days of birth (neonatal mortality) suffer from conditions and diseases associated with lack of quality care at birth, or skilled care and treatment immediately after birth and in the first days of life.

The main Sustainable Development Goals (SDG) target concerning infectious diseases are HIV, TB, malaria, hepatitis and neglected tropical diseases. Collectively, these diseases accounted for an estimated 4.3 million deaths in 2016 (1.7 million female and 2.7 million male), down from 5.3 in 2000 (2.2 million female and 3.1 million male).

In 2015, 71 percent of the world population used safely managed drinking-water services, and 39 percent used safely managed sanitation services; these percentages have increased

progressively since 2000, when the figures were 61 percent and 29 percent, respectively. The WHO African Region again fell far behind other parts of the world, with only 44 percent of the rural population having at least basic drinking-water and only 21 percent having basic sanitation services. Globally in 2016, unsafe drinking-water, unsafe sanitation and lack of hygiene were responsible for nearly 0.9 million deaths, including over 470,000 deaths of children aged under 5 years from diarrhea.

Recent years have seen improvements in 24 (56 percent) of the 43 health-related SDG indicators tracked in this report. However, at a global level, progress has stalled or trends are in the wrong direction for five of those 43 indicators: road traffic mortality, children overweight, malaria incidence, alcohol consumption and water sector official development assistance (ODA).”

Statista, an advanced analytics company, says:

“In recent decades, advances in technology and medicine have increased the life expectancy and general health of people around the world. However, great inequalities in health and health care based on geography and wealth still exist. For example, all of the twenty countries with the lowest life expectancy in 2016 were located in Africa, while those with the highest life expectancy were found mostly in Europe and the wealthy countries of Asia. Rates of various diseases also differ depending on region and income, but some of the most common negative health conditions around the world include high blood pressure, sleep related conditions, migraines, and high cholesterol.

Just as there are inequalities in life expectancy around the globe, there also exist differences in the leading causes of death based on wealth. While the three leading causes of death in low-income countries are lower respiratory infections, diarrhoeal diseases, and heart disease, the leading causes in upper income countries are heart disease, stroke, and Alzheimer’s. Included in

the leading causes of death in low-income countries are also HIV/AIDS, tuberculosis, and malaria, all diseases which are not included in the leading causes for upper-middle or upper income countries. In 2016, the countries with the highest incidence rate of tuberculosis were South Africa, the Philippines, and Mozambique, while Lesotho, Swaziland, and South Africa reported the highest prevalence of new HIV infections.”

The Annual Threat Assessment from the U.S. Director of National Intelligence, released on April 9, 2021, says the following:

“The Covid-19 pandemic has disrupted life worldwide, with far-reaching effects that extend well beyond global health to the economic, political, and security spheres. We expect Covid-19 to remain a threat to populations worldwide until vaccines and therapeutics are widely distributed. The economic and political implications of the pandemic will ripple through the world for years. The pandemic is raising geopolitical tensions, and great powers are jockeying for advantage and influence. States are struggling to cooperate – and in some cases are undermining cooperation—to respond to the pandemic and its economic fallout, particularly as some governments turn inward and question the merits of globalization and interdependence. Some governments, such as China and Russia, are using offers of medical supplies and vaccines to try to boost their geopolitical standing.”

Then this...

“The Covid-19 pandemic is prompting shifts in security priorities for countries around the world. As militaries face growing calls to cut budgets, gaps are emerging in UN peacekeeping operations; military training and preparedness; counterterrorism operations; and arms control monitoring, verification, and compliance. These gaps are likely to grow without a quick end to the pandemic and a rapid recovery, making managing conflict

more difficult – particularly because the pandemic has not caused any diminution in the number or intensity of conflicts. Covid-19-related disruptions to essential health services – such as vaccinations, aid delivery, and maternal and child health programs – will increase the likelihood of additional health emergencies, especially among vulnerable populations in low-income countries. As examples, the pandemic has disrupted HIV/AIDS treatments and preventative measures in Sub-Saharan Africa, as well as measles and polio vaccination campaigns in dozens of countries. World populations, including Americans, will remain vulnerable to new outbreaks of infectious diseases as risk factors persist, such as rapid and unplanned urbanization, protracted conflict and humanitarian crises, human incursions into previously unsettled land, expansion of international travel and trade, and public mistrust of government and health care workers.”

And this...

“The economic fallout from the pandemic is likely to create or worsen instability in at least a few and perhaps many – countries, as people grow more desperate in the face of interlocking pressures that include sustained economic downturns, job losses, and disrupted supply chains. Some hard-hit developing countries are experiencing financial and humanitarian crises, increasing the risk of surges in migration, collapsed governments, or internal conflict.”

† Although global trade shows signs of bouncing back from the Covid-19-induced slump, economists caution that any recovery this year could be disrupted by ongoing or expanding pandemic effects, keeping pressure on many governments to focus on internal economic stability. In April, the International Monetary Fund estimated that the global economy would grow 6 percent this year and 4.4 percent in 2022. This year’s forecast is revised up 0.5 percentage points relative to the previous forecast, reflecting expectations of vaccine-powered

strengthening of activity later in the year and additional policy support in a few large economies. The global growth contraction for 2020 is estimated at 3.3 percent.

- † The resurgence in Covid-19 infections early this year may have an even greater economic impact as struggling businesses in hard-hit sectors such as tourism and restaurants fold and governments face increasing budget strains.
- † The effects on developing countries especially those that rely heavily on remittances, tourism, or oil exports – may be severe and longer lasting; many developing countries already have sought debt relief.
- † The economic fallout from the COVID-19 pandemic, along with conflict and weather extremes, has driven food insecurity worldwide to its highest point in more than a decade, which increases the risk of instability. The number of people experiencing high levels of acute food insecurity doubled from 135 million in 2019 to about 270 million last year, and is projected to rise to 330 million by yearend.

This is all a bummer, but the incredibly frustrating part is that our federal government was warned about this, over and over. The 2019 *Worldwide Threat Assessment of the U.S. Intelligence Community*, released a year before Covid-19 hit, warned:

“We assess that the United States and the world will remain vulnerable to the next flu pandemic or large-scale outbreak of a contagious disease that could lead to massive rates of death and disability, severely affect the world economy, strain international resources, and increase calls on the United States for support.

Although the international community has made tenuous improvements to global health security, these gains may be inadequate to address the challenge of what we anticipate will be more frequent outbreaks of infectious diseases because of rapid unplanned urbanization, prolonged humanitarian crises, human

incursion into previously unsettled land, expansion of international travel and trade, and regional climate change.

The growing proximity of humans and animals has increased the risk of disease transmission. The number of outbreaks has increased in part because pathogens originally found in animals have spread to human populations.”

What’s that annoying thing I’m always saying about being proactive as opposed to reactive?

UNITED NATIONS

1787 is deeply committed to the United Nations. We believe that the United Nations (UN) is integral in maintaining international peace and security, protecting human rights, delivering humanitarian aid, promoting sustainable development, and upholding international law.

In 1945, the United Nations Charter was signed by fifty countries – led by Britain, China, the Soviet Union and the United States – in San Francisco, California. It is currently made up of 193 Member States.

Under its Charter, the United Nations can:

“Take action on the issues confronting humanity in the 21st century, such as peace and security, climate change, sustainable development, human rights, disarmament, terrorism, humanitarian and health emergencies, gender equality, governance, food production, and more. The UN also provides a forum for its members to express their views in the General Assembly, the Security Council, the Economic and Social Council, and other bodies and committees. By enabling dialogue between its members, and by hosting negotiations, the Organization has become a mechanism for governments to find areas of agreement and solve problems together.”

The 15-member Security Council has five permanent members – Britain, China, France, Russia, the United States – and the other 10 members are elected for two-year terms (a certain number of seats are reserved for different regions of the globe).

It’s extremely important that the United States remain committed to the United Nations (UN). The UN is integral in maintaining international peace and security, protecting human rights, delivering humanitarian aid, promoting sustainable development, and upholding international law.

That said, the United States contributed 22 percent of the UN’s regular budget for 2021. That is a lot of money. Therefore, we must

make certain that the UN is operating at a high level and utilizing every penny in the most optimal way.

On January 1, 2019, the United Nations began the implementation of UN Secretary-General António Guterres' United to Reform, in the areas of Development, Management, and Peace and Security. We need to watch the outcomes of this closely to make sure these reforms are progressing sufficiently.

In a conversation with the International Peace Institute, Wolfgang Weiszegger, former Director of Mission Support for the UN Interim Force in Lebanon (UNIFIL), gave a positive view of the reform effort so far: "Managers have been empowered, accountability strengthened, processes streamlined, delegations of authority decentralized, and trust with member states improved, just to name a few... the management reforms have taken off, are on the right track, and emphasis must now be placed on keeping the momentum going."

In the same conversation, Rick Martin, the Director of Division for Special Activities, UN Department of Operational Support (DOS) said that, although the UN was severely tested during the Covid-19 crisis – conducting peace operations in 9 of the 11 countries most affected by Covid-19, plus over 1,200 confirmed cases of Covid-19 within its ranks – the new reforms worked beautifully.

Among the successes, he cites "having supply chain management integrated across procurement and logistics management; aligning what has traditionally been the medical treatment capacities with occupational safety and health; creating a single entry point on uniform capability support for peace operations; having a more consolidated approach in standing capacities now for training; streamlining recruitment and onboarding processes; closing gaps in what resources peace operations are able to access on an immediate basis; providing support to the resident coordinators, who are now being brought into the Secretariat; establishing a standing search capacity of existing staff across the whole Secretariat that can be deployed to an incident or transitional requirement needing additional capacity; and "a genuine convergence between the Secretary-General's reform pillars – management reform, peace and security architecture, and the development system reforms – which has been made possible by having a single Department of Operational Support."

WORLD HEALTH ORGANIZATION (WHO)

The United States must remain committed to the World Health Organization (WHO), the United Nations agency responsible for international public health.

It is more important than ever that the WHO's 194 member countries have a common organization to establish worldwide health policies, and to act like a point guard when the world is faced with a global health crisis, coordinating responses and making clear and consistent recommendations.

The WHO has achieved great things since its founding at the end of World War II, including the end of smallpox, the near end of polio, and the promotion of greater access to health care services in poor and developing countries. That said, the Covid-19 crisis has revealed significant shortcomings within the WHO, and the entire organization needs to make serious institutional changes.

Although the WHO was criticized for its relatively slow response to the Ebola crisis, the response to Covid-19 was worse, exposing deep flaws throughout the entire system. Among other things, it took the WHO far too much time to understand the impact of asymptomatic carriers, as well as the benefits of the most obvious things like masks. They also waited far too long to declare an emergency.

This is really unfortunate because a University of Southampton study found that the number of coronavirus cases could have been dramatically reduced if non-pharmaceutical interventions (NPIs) would have happened just one to three weeks earlier: "If NPIs could have been conducted one week, two weeks, or three weeks earlier in China, cases could have been reduced by 66 percent, 86 percent, and 95 percent, respectively, together with significantly reducing the number of affected areas."

One of the main reasons for this delayed reaction is that the WHO was far too deferential to Chinese President Xi Jinping, who has proved masterful at developing allies within the organization. Even though many Chinese doctors and scientists were sounding the alarm about things like

human-to-human Covid-19 transmission, the WHO continued to perpetuate Xi Jinping's misinformation to the contrary.

...to the point that Director-General Dr. Tedros Adhanom Ghebreyesus said at the end of January 2020, "The Chinese government is to be congratulated for the extraordinary measures it has taken. I left (China) in absolutely no doubt about China's commitment to transparency."

< Before we get too judgmental about this, we should remember that our own president was also praising Beijing at that time: "China has been working very hard to contain the coronavirus. The United States greatly appreciates their efforts and transparency. It will all work out well. In particular, on behalf of the American People, I want to thank President Xi!" >

One of the main problems is that the WHO has become way, way too political. As a result, the leadership allows itself to be pulled in too many different directions, between influential members like China and the United States, and even by private donors like the Gates Foundation. This has to change. The WHO must have leaders who don't bow to political pressure. Period.

An additional problem is that the WHO is severely underfunded. Its 2020 budget was around \$2.4 billion, which is less than the public health funding of many small U.S. states. That's not nearly large enough, given the WHO's mandate.

Lastly, the WHO is a fairly toothless organization. It doesn't have the authority to deploy teams to member countries without being invited, or demand information from members, or to investigate them on any level. The structure should be more like the World Trade Organization (WTO), where the rules – which are set and enforced by the members – can impose disciplines on the individual policies of member countries.

AFRICA

The *War on Terror* is increasingly moving to Africa. The United States Institute of Peace – a federal institution, founded by Congress, tasked with promoting conflict resolution and prevention worldwide – reports that there has been:

“A rise and expansion of ISIL provinces and affiliates around the world – now stretching across Europe, Russia, Eurasia, Asia, and Africa...the central trend has been the displacement of activity away from the Middle East and North Africa, with a global presence becoming an increasing part of the Islamic State’s operations. In 2019, Islamic State provinces and affiliates accounted for 74 percent of all the deaths from the group’s acts of terrorism. In particular, the African continent has become a focus of affiliates’ growth and increasing activity, with sub-Saharan Africa by itself now accounting for 41 percent of deaths.”

For example, Nigeria, Africa’s most populous country and the largest economy, continues to be under attack from jihadist terrorist groups Boko Haram and the Islamic State West Africa Province (ISWAP).

The U.S. Department of State reports that “these groups have conducted numerous attacks on government and civilian targets, resulting in thousands of deaths and injuries, widespread destruction, the internal displacement of more than two million persons, and the external displacement of somewhat more than an estimated 300,000 Nigerian refugees to neighboring countries.”

These groups have “recruited and forcefully conscripted child soldiers; and carried out scores of person-borne improvised explosive device attacks – many by coerced young women and girls – and other attacks on population centers in the Northeast and in Cameroon, Chad, and Niger. Abductions by Boko Haram and the Islamic State in West Africa continued. Both groups subjected many women and girls to sexual

and gender-based violence, including forced marriages, sexual slavery, and rape.” : (

Violence by Islamic State loyalists in Northern Mozambique has displaced almost 670,000 people and thrown over a million people into a humanitarian crisis. The United Nations (UN) reports there are over 100 armed groups operating in the Democratic Republic of the Congo (DRC), including longtime rebel group Allied Democratic Forces (ADF) which established ties with ISIS in late 2018. These groups routinely attack civilians, the Armed Forces of the Democratic Republic of the Congo (FARDC), and UN peacekeepers.

In March 2021, the United States Department of State “designated the Islamic State of Iraq and Syria – Democratic Republic of the Congo (ISIS-DRC) and the Islamic State of Iraq and Syria – Mozambique (ISIS-Mozambique) as Foreign Terrorist Organizations and also designated ISIS-DRC and ISIS-Mozambique as Specially Designated Global Terrorists (SDGTs), while also designating respective leaders of those organizations, Seka Musa Baluku and Abu Yasir Hassan, as SDGTs.”

The 2022 *Annual Threat Assessment of the Intelligence Community* warns that:

“East Africa probably will see new bouts of conflict in the coming year as the region becomes increasingly strained by the civil war in Ethiopia, power struggles within the transitional government in Sudan, continued instability in Somalia, and a potentially contentious election in Kenya.

In Ethiopia, the prospects for a long-term ceasefire remain slim because the belligerents probably do not believe the other side will negotiate in good faith or have a right to be at the table, increasing the prospects for continued conflict, atrocities, and food insecurity. Sudan is almost certain to start on a protracted and fragile path towards civilian governance that will depend on reconciliation among three opposing elements: the guarded security leadership, the fragmented political coalition, and the mercurial street. In Somalia, leaders’ myopic focus on politicking has led to government paralysis, widening the

opening for al-Shabaab and raising the risk of recurring outbreaks of violence in Mogadishu.

In West Africa, a volatile mixture of democratic backsliding, intercommunal violence, and terrorism will threaten the region's stability. Recent undemocratic transfers of power in Burkina Faso, Chad, Guinea and Mali highlight the region's fragility and in some cases the belief among publics that their government are not able to effectively deliver services or managing expanding insecurity. Some of the leaders who remain in power are turning to autocratic, state-centric, and religious governance practices, with some prioritizing security in key urban centers while ceding rural territory to jihadists.”

These concerns join the warnings from the 2019 *Worldwide Threat Assessment of the U.S. Intelligence Community*:

“Several countries and regions in Sub-Saharan Africa are likely to face significant security, counterterrorism, democratization, economic, and humanitarian challenges. Political unrest in countries such as Zimbabwe and Sudan highlight the ongoing challenges facing many governments across the continent. African countries’ outreach and cooperation with external actors – such as China and Russia – will increase.

Countries in the Sahel – particularly Chad, Burkina Faso, Mali, Mauritania, and Niger – almost certainly will be vulnerable to an increase in terrorist attacks as they struggle to contain terrorist groups and improve governance and security. al-Qaeda-affiliated Jama’at Nusrat al-Islam wal-Muslimin (JNIM) and its extremist allies present a growing threat, with attacks increasing during the past year. Implementation of Mali’s peace accord – an essential step for extending governance into terrorist safe havens in northern and central Mali – probably will be difficult because remaining steps are politically and financially sensitive.”

Of particular concern is Chad, one of America’s most important security partners in Central Africa. According to U.S. classified

intelligence documents allegedly leaked online by Airman 1st Class Jack Teixeira, a member of the Massachusetts Air National Guard, a Russian paramilitary organization called the Wagner Group is attempting to recruit and train hundreds of rebel fighters from Libya, Sudan and the Central African Republic in an “evolving plot to topple the Chadian government.”

The documents go on to say that the end goal of these efforts is to create a “unified ‘confederation’ of African states,” to include Burkina Faso, Chad, Eritrea, Guinea, Mali, Niger, and Sudan.

SUDAN AND SOUTH SUDAN

“Violence and the humanitarian crisis in South Sudan are likely to persist, while Sudan probably wants to improve relations with the United States but will continue reaching out to other partners to boost its economy.

In South Sudan, the peace agreement signed between the government and opposition groups in September 2017 faces delays and implementation difficulties. Acute food insecurity and constraints on aid access – resulting from poor infrastructure, seasonal rains, active hostilities, and government- and opposition-imposed impediments – are likely to contribute to an ongoing humanitarian crisis. Meanwhile, Khartoum, despite facing antigovernment protests over its poor economic situation, wants to be removed from the U.S. State Sponsors of Terrorism List.”

< Note: In October 2021, Sudan’s military seized power, opening fire on protesters and arresting the prime minister. This effectively ended the uneasy power-sharing agreement between Sudan’s military and civilian leaders, which was negotiated in 2019 after the uprising against Omar Hassan al-Bashir.

In April 2023, fighting intensified in the capital of Khartoum between the Sudanese Army and a paramilitary group called the Rapid Support Forces, forcing the U.S. and other countries to evacuate embassy staff. >

HORN OF AFRICA

“The states of East Africa will confront internal tension and a continuing threat from al-Shabaab, despite improved intergovernmental relations and Ethiopian-Eritrean rapprochement. Elite competition, corruption, and poor coordination among security services in Somalia will hamper efforts to tamp down violence. The African Union Mission in Somalia (AMISOM) is unlikely to engage in aggressive offensive operations against al-Shabaab in advance of the mission’s scheduled withdrawal from Somalia by 2021. Ethiopia and Eritrea will struggle to balance political control with demands for reform from domestic constituencies.

Central Africa Political unrest across Central Africa is likely to persist, compounding humanitarian challenges and armed conflict. The Democratic Republic of the Congo (DRC) is recovering from its contentious presidential election in December 2018, as well as dealing with an ongoing Ebola outbreak and internal displacement crisis. Meanwhile, violence among armed groups in several regions of the DRC threatens regional and national stability, and violence in eastern DRC impedes efforts to respond to the Ebola outbreak. The Central African Republic (CAR) is struggling to make progress toward a peace agreement between the government and multiple armed groups.”

Special Note: Since November 2020, the Ethiopian government has been conducting military operations against the Tigray region’s ruling party, the Tigray People’s Liberation Front. Infrastructure – including hospitals, schools and businesses – has been destroyed by Ethiopian military forces and regional militias, as well as by Eritrean armed forces (Eritrea is also a country in Africa).

Over 200,000 people have been forced to flee their homes, with thousands flooding into Sudan, and 2.3 million people are in desperate need of humanitarian aid.

ARMENIA & AZERBAIJAN

The decades-long conflict between the Muslim Azerbaijanis and Christian Armenians – which lasted through six American presidents – is finally over. At the center of the dispute was the area known as Nagorno-Karabakh, which was taken by force in September 2023 by Azerbaijan.

Once part of the Soviet Union, this land was, until recently, a separatist ethnic-Armenian enclave located inside Azerbaijan. Today, it is a mostly uninhabitable wasteland that lies in ruins, destroyed by war.

Almost three decades ago, with help from Russia, Armenia captured this territory – even though it was internationally recognized as belonging to Azerbaijan – claiming it was, as a homeland, essential to its identity. The six-year war ended with hundreds of thousands of Azerbaijanis forced into exile.

The Armenians felt justified in these actions because, during the fall of the Ottoman Empire, they had suffered what many throughout the world (including the United States) recognize as genocide as they were violently forced out of Turkey.

On September 27, 2020, Azerbaijan, with the help of Turkey, finally declared war to get the land back. After six weeks of brutal fighting – which included the use of drones by Azerbaijan, a game changer – Azerbaijan conquered the cities of Fizuli and Aghdam.

Soon after, Russia helped broker a peace deal – signed by Russian President Vladimir Putin, President Ilham Aliyev of Azerbaijan and Prime Minister Nikol Pashinyan of Armenia – that allowed Azerbaijan to keep the majority of the territory it had regained. Most importantly, they were keeping Shusha, a town on a hill that holds great cultural significance for them.

However, the agreement left the capital of Nagorno-Karabakh, Stepanakert, in control of the Armenians. Under Armenia's security agreement with Russia, Russia was to provide an armed peacekeeping force there for the next several years. Turkey also agreed to operate a peacekeeping command in Azerbaijan.

The deal authorized a transport corridor from eastern Turkey through Nakhchivan (a territory that borders Turkey) to the Caspian Sea. In fact,

no one benefited from this more than Turkey since the corridor grants them much greater access to Central Asia.

Although this conflict seems to be all but over, there are a couple of things we need to keep in mind – one from a geopolitical perspective and one from a humanitarian perspective.

From a geopolitical perspective, Turkey and Russia inserted themselves into this war and subsequent peace from the beginning. Obviously, they were both operating from a place of 100% self-interest, and their opportunistic fingerprints were all over the terms of the peace deal. It's safe to assume that they could not care less about the human beings involved. Rather, they wanted access – which they both got in spades.

Also, to Turkey and Russia's benefit, the peace agreement left a lot of issues unresolved – like the fate of refugees and associated humanitarian issues, rebuilding, and the future role of the United Nations – and lots of wiggle room for the issues that are considered settled.

From a humanitarian perspective, the bitterness and hatred between the Azerbaijanis and Armenians will likely last for generations to come. As a preview: Years before this final showdown, Armenians in one town, Kelbajar, chose to burn their homes instead of seeing Azerbaijanis move into them.

Now, we must do everything possible to protect the Karabakh Armenians and not allow them to be harmed in any way.

ASEAN COUNTRIES

The Association of Southeast Asian Nations (ASEAN) is an economic union made up of 10 States: Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam.

The ASEAN Declaration states that the aims and purposes of the association are: (1) to accelerate the economic growth, social progress and cultural development in the region through joint endeavors in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of Southeast Asian nations, and (2) to promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries in the region and adherence to the principles of the United Nations Charter.

In most of these countries, democracy is fragile and civil rights are, at times, tenuous. Both Russia and China have increased their engagements and cultivated military and diplomatic alliances in the region. They are also trying hard to diminish America's influence. China in particular is framing the narrative around the South China Sea as "us versus all of them," perpetuating the claim that any American opposition is a major threat to the entire region.

BALKANS

Generally speaking, the Balkans are comprised of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo, Montenegro, North Macedonia, Romania, Serbia, Greece, and Slovenia.

The Western Balkans refer to Albania and the territory of the former Yugoslavia (except Slovenia). These include Albania, Bosnia and Herzegovina, Croatia, Montenegro, North Macedonia and Serbia.

In the Western Balkans in particular, politics are unstable, corruption is rampant, and ethnic tensions run high. As the United States develops a

smart strategy for the U.S./Balkans relationship, something that we have never really had, we need to keep a close eye on Russia.

Already, Putin exploits the region's vulnerabilities to destabilize these countries and gain a stronger foothold, as he tries to keep these countries far away from the influence of the European Union (EU) and North Atlantic Treaty Organization (NATO). His goal it to insert himself into the economic and political bloodstream of the Balkans, destroying their democracies and making them completely dependent on Russia.

We have to look no further than 2017, when Putin tried hard to disrupt Montenegro's elections and its parliament to prevent them from entering NATO (which they finally did). Good for you, Montenegro! To other Balkan states, forget Putin and his shady ways. We've got your back!

BELARUS

Since August 9, 2020, hundreds of thousands of heroes in Belarus have been fighting back against oppression, corruption and a blatantly stolen election. Although the opposition candidate Svetlana Tikhanovskaya most likely won more votes, incumbent President Alexander Lukashenko, who had been in office since 1994, refused to step down.

Tikhanovskaya announced her candidacy after her husband, Sergei, was arrested and thrown in jail after announcing his own. Directly after the election, several of Ms. Tikhanovskaya's staff were effectively taken hostage, and she was forced to read an obviously coerced concession speech before leaving Belarus for neighboring Lithuania. Based on comments she has made since, many people assume Lukashenko and his thugs threatened her children.

Saying that a woman could not possibly be president because "our Constitution is not for women" and calling peaceful protesters "rats," "trash" and "bandits," Lukashenko and his security forces (who are still called KGB) pulled out all the stops to end the protests – including

shuttering the Internet; beating, imprisoning and even killing protestors; using flash grenades, water cannons, tear gas and rubber bullets on the crowds; and getting people fired from their jobs and kicked out of universities. Outraged, factory workers and even people who work at state run institutions went on strike, and many in Belarus called for an even more comprehensive one.

In typical authoritarian fashion, Lukashenko repeatedly raided the homes and offices of journalists and human rights activists, after already detaining hundreds of them. He also announced his intentions to change the country's Constitution. In response, the European Union (EU) issued sanctions on several organizations, as well as President Alexander Lukashenko and dozens of his officials. This included his son Viktor who is his "national security advisor."

Then, in May 2021, Lukashenko literally skyjacked an airborne plane and forced it to land in order to arrest a Belarusian pro-democracy journalist named Roman Protasevich who had been living in exile in Lithuania.

The following day, a video was released featuring Protasevich "admitting" to inciting disorder in Belarus. The video also clearly showed bruises and abrasions on the journalist's face, which convinced almost everyone that Protasevich's "confession" was coerced. Once again, the European Union issued sanctions and also banned Belarus's national airline, Belavia, from flying over EU territory.

Naturally, Russian President Vladimir Putin wormed his way into the crisis (Belarus is bordered by Russia to the east and northeast). Putin regards Belarus – as he does Ukraine – to be part of what he terms the "Russian world," which, based on the war crimes Putin is already perpetrating in Ukraine, is obviously extremely concerning.

This concern is heightened by the fact that, not long before Putin's invasion of Ukraine, Putin and Lukashenko announced joint military exercises, permanent joint training facilities, and a new Russian airbase in Belarus – all while a newly organized pro-Kremlin political party held its first meeting in Minsk.

Now this has escalated even further. In October 2022 – after a meeting with Putin, who he is deeply dependent on for financial and security assistance – Lukashenko announced that a large number of

Russian forces would be returning to Belarus and that he was forming a “joint regional group of troops” to combat “possible aggression” against Belarus by NATO and Ukraine.

This is the last thing the people of Belarus need. We stand with Tikhanovskaya and the incredibly brave people of Belarus who demand an end to Soviet-style repression, violence and injustice. We are rooting hard for you! Don’t be denied!

CHINA

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COLOMBIA

When Iván Duque was elected president of Colombia in 2018 he had a lot on his plate. He was, at once, trying to reduce violence and drug trafficking; implement crop substitution and coca eradication programs, (which wasn't exactly popular with many of his people); and manage an increasingly hostile relationship with Venezuela.

At the same time, the 2016 peace accord former President Juan Manuel Santos struck with the Revolutionary Armed Forces of Colombia (FARC) – which ended Colombia's fifty-year war with the guerilla group, a conflict that killed over 200,000 Colombians and left seven million displaced – was unraveling. The violence that came after the agreement was signed came mainly from FARC fighters who refused to disarm as well as other groups who filled the vacuum that the peace accord created. These groups not only attack civilians, but they also attack each other.

Just over two years after the historic agreement was signed, the United Nation's human rights commissioner reported that at least 400 human rights activists (whom the Colombians called "social leaders") had been killed. The Colombian ombudsman put that number at closer to 710. These social leaders were advocates for everything from the environment to the rights of indigenous and Afro-Colombian people.

Ultimately, a proposed tax increase, high unemployment, continued inequality, and increased crime led to plummeting approval ratings for Iván Duque. Gustavo Francisco Petro Urrego was elected president of Colombia in June 2022 and took office on August 7, 2022.

CUBA

It has been over sixty years since Fidel Castro entered the scene and over six years since he died. His brother Raúl stepped down as head of Cuba's Communist Party and is now in retirement. Cuba now has a president, Miguel Díaz-Canel Bermúdez, that is the first non-Castro leader of Cuba since the revolution. Times have changed. It is time for the never-ending, unnecessary drama between our two countries to end.

First and foremost, Congress should lift the misguided, antiquated U.S. trade embargo against Cuba – in its entirety – at once. The steps taken by the Obama administration to restore diplomatic ties with Cuba was a necessary first step, however even those actions did not go far enough.

Although President Obama's new provisions allowed certain American businesses to trade with Cuba, the embargo continued to ban most Cuban exports, prohibit American tourism, and make banking virtually impossible. This paradox created confusion and made potential investors uneasy.

Early in his administration, Donald Trump erased even those minor concessions, restoring travel restrictions on Americans and re-instituting constraints on U.S. investments and commercial dealings in the country.

In April 2019, he declared that U.S. citizens can once again sue for “trafficking” in property that was taken as a result of the revolution; limit the amount and frequency of money that Cuban Americans can send back to Cuba; and established even stricter travel restrictions on U.S. citizens.

The Cuban embargo should be lifted for at least three reasons:

IT IS AN IMPORTANT ECONOMIC MOVE FOR AMERICA.

The United States International Trade Commission estimates that:

“U.S. exports to Cuba in the absence of sanctions, based on average 1996-98 trade data, would have been approximately \$658 million to \$1.0 billion annually; this is equivalent to about 17 to 27 percent of Cuba’s total imports from the world.

This estimate would increase marginally, to \$684 million to \$1.2 billion, if U.S. exports were to increase by the amount of estimated additional net foreign exchange flows from the United States to Cuba from telecommunication services payments, travel and tourism payments, and U.S. foreign direct investment.”

And those numbers are based on data from over twenty years ago! Imagine what that number would be now! Not to mention the hundreds of millions of dollars we spend every year “enforcing” the policy.

In 2014, research from the Peterson Institute for International Economics, a think tank, estimated “U.S. merchandise exports of goods and services to Cuba could reach \$5.9 billion annually, while Cuban exports to the United States could reach \$6.7 billion annually. The stock of direct investment from all foreign countries in Cuba might reach \$17 billion, up from less than \$1 billion today.”

IT IS AN INCONSISTENT POLICY.

The embargo was enacted, in part, to take a hard stand against a repressive regime. However, it is ridiculous to link this embargo to human rights when we have no problem doing business with China, which is way more authoritarian and repressive than Cuba.

And remember, the Castros are GONE.

THE EMBARGO SIMPLY HAS NOT WORKED.

Instead of the sanctions punishing the Cuban government and forcing them into submission, the embargo has served as their scapegoat for all of

Cuba's economic hardships and as a way for them to further repress the people of Cuba.

We need to get with the program, America.

EGYPT

Unfortunately for Abdel Fatah al-Sissi, Donald Trump is no longer the U.S. president – so Donald's "favorite dictator" (Donald actually called him that) no longer has his love, affection, and protection.

The United States government should stop all military aid to Egypt – which runs over \$1 billion a year – until the Sissi government is thrown out of office. This brutal tyrant came to power through a violent coup against a democratically elected government, killing over 1,000 supporters of President Mohamed Morsi. Since that time, he has repressed his people, and terrorized, tortured and imprisoned thousands of journalists, humanitarian aid workers, and human rights activists.

In its annual human rights report, the U.S. State Department reports "significant human rights issues" in Egypt, including:

"Unlawful or arbitrary killings, including extrajudicial killings by the government or its agents and terrorist groups; forced disappearance; torture and cases of cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary detention; political prisoners or detainees; politically motivated reprisal against individuals located outside the country; arbitrary or unlawful interference with privacy; serious restrictions on free expression, the press, and the internet, including arrests or prosecutions of journalists, censorship, site blocking, and the existence of criminal libel laws, which were not enforced; substantial interference with the rights of peaceful assembly and freedom of association, such as overly restrictive laws governing civil

society organizations; restrictions on political participation; violence targeting lesbian, gay, bisexual, transgender, and intersex persons and use of the law to arrest and prosecute arbitrarily such persons; and forced or compulsory child labor, including its worst forms.”

Abdel Fattah al-Sisi is horrible. His regime should not receive one more dollar from the United States. He has to go.

EL SALVADOR

On June 1, 2019, Nayib Bukele was sworn in as El Salvador’s president. He is the first president to be from outside the right-wing Nationalist Republican Alliance (ARENA) or the left-leaning Farabundo Martí National Liberation Front (FMLN) parties.

His party, called New Ideas, won a landslide victory in the legislative and municipal elections held on February 28, 2021, giving him control of two of El Salvador’s three branches of government (the executive and legislative branches) and, after the new Bukele-friendly legislature chooses five Supreme Court judges, he will also control the third branch.

Bukele ran for president on an anti-corruption platform and pledged to tackle crime and unemployment. This sounded promising because the countries of the Northern Triangle – El Salvador, Guatemala and Honduras – continue to fight significant corruption.

To that end, President Bukele quickly established El Salvador’s own anticorruption commission with the Organization of American States (OAS) called the International Commission Against Impunity in El Salvador (CICIES).

Although Bukele remains incredibly popular with his constituents, many of his actions are reminiscent of the authoritarian leadership of the past, which could potentially threaten El Salvador’s fragile democracy. For example, he used armed soldiers to intimidate Congress into passing legislation; detained people who violated Covid-19 quarantine in

government facilities, then ignored the Supreme Court's ruling that deemed the move unconstitutional; and sanctioned the harsh and humiliating treatment of prisoners.

Like all good populists, Bukele undermines democratic institutions, circumvents checks and balances, vows revenge on those who oppose him, and claims election fraud without evidence. Hmmm...does this remind you of anyone?

GUATEMALA

Guatemala's 36-year civil war that ended in 1996 – after killing over 200,000 people – sparked persistent, widespread crime and corruption.

Many of those who fought in the war transitioned from soldiers and security officers to gang members and kingpins, engaging in everything from extortion to drug smuggling and trafficking to kidnapping. Some even weaseled their way into the political and judicial systems, and bribes and threats leveled at judges, attorneys and witnesses became commonplace.

As the murder rate exploded, it was clear the world needed to step in and help Guatemala find peace. At the request of the Guatemala government, help came in the form of the International Commission Against Impunity in Guatemala (CICIG), which was supervised by the United Nations. The CICIG was created to fight corruption and dismantle drug cartels, money-laundering rings and death squads.

The CICIG conducted independent investigations, then handed the cases to local prosecutors, a partnership that successfully prosecuted hundreds of corrupt politicians and business executives as well as many drug traffickers and other bad guys.

From the beginning, the main cheerleader for the CICIG was the United States, who played a central role in supporting the effort – both diplomatically and financially – contributing around half of the CICIG's budget.

There were locals who believed the CICIG violated Guatemala's sovereignty but, unsurprisingly, these naysayers were people who were, or had been, in the crosshairs of the commission. At one point, 20 percent of Guatemala's legislature was under investigation.

Alfonso Portillo, Guatemala's president from 2000 to 2004, was investigated and charged with money laundering, and Otto Pérez Molina, Guatemala's president from 2012 to 2015, was investigated and charged – along with his vice-president Roxana Baldetti – for embezzlement.

Then there was Jimmy Morales, Guatemala's president from 2016 to 2020, who was investigated for campaign-finance violations – as his son and brother were investigated for fraud. Before his presidency, Morales was a comedian who ran on the slogan “neither corrupt nor a thief,” but turned out to be both.

In August 2018, Morales announced he would not renew the CICIG's mandate which was set to expire in September 2019 (the mandate must be renewed every two years or be dissolved). Then, for good measure, he tried to kick Iván Velásquez, the head of the CICIG, and Yilen Osorio, a CICIG investigator, out of Guatemala for good.

Although he had already announced the end of the commission, investigation-riddled Morales decided for some crazy reason to terminate it nine months early, a move rejected by the United Nations and Guatemala's highest court.

Enter the Trump administration. I gave up long ago trying to figure out what went through this administration's head at times, but I do know that Mr. Morales knew exactly how to handle Donald Trump.

For example, when the United States moved our Israeli embassy to Jerusalem, so did Guatemala. To Donald Trump, that show of support ranked up there with a gigantic billboard with his face plastered on it, which is just one of the many things Saudi Arabia did.

Mr. Morales' loyalty to Donald Trump paid off, because he seemed to have free reign to do whatever the heck he wanted to do in his last months as president. Morales somehow convinced the Trump administration and other Republicans, led by Marco Rubio, that the CICIG was somehow influenced by the Kremlin (which is just incredibly ironic), prompting the Republicans to suspend the CICIG's funding.

Another example of Morales' free reign is the treatment of Thelma Aldana, who worked closely with the CICIG when she was Guatemala's attorney general from 2014 to 2018.

In her role as AG, Ms. Aldana uncovered the massive scandal that led to the resignation of Otto Pérez Molina. During her tenure, she sent over 250 people to jail, which unsurprisingly resulted in powerful enemies determined to get revenge.

Revenge reached a peak when, in March 2019, a judge issued a warrant for Ms. Aldana's arrest on bogus embezzlement and tax fraud charges. Interestingly enough, she was a candidate in the Guatemalan presidential race at the time. Thankfully, Ms. Aldana has since been granted asylum in the United States.

Alejandro Giammattei is now the president of Guatemala and the country is as corrupt and insecure as ever. Regardless, there are several issues we need to work through with Guatemala, particularly around our immigration policy. Here are two things to get us started:

- † Offer financial and governance help to countries destabilized by violence and poverty. Improve and protect their lives in their own countries. See Immigration section in Part One, Chapter Four.
- † Help Mexico secure its border with Guatemala instead of pursuing a "safe third country" agreement. See Immigration section in Part One, Chapter Four.

HAITI

Things have been grim in Haiti for a long time and today they are worse than ever, thanks in large part to the United Nations (with support from the Trump administration) withdrawing all U.N. military and police officers beginning in 2017. Now, the government – led by acting President Ariel Henry – has been overrun with armed gangs demanding

his resignation. Hundreds of thousands of Haitians have been forced from their homes, creating an increasingly intense humanitarian crisis.

Haiti won its independence in 1804, when both enslaved and free people rebelled against their French colonial masters. Since that time, Haiti has endured several brutal dictators. Two of the worst were François Duvalier (“Papa Doc”) and his son Jean-Claude Duvalier (“Baby Doc”). Although Jean-Bertrand Aristide won Haiti’s first free democratic election in 1990, he was derailed twice by military coup d’états.

On July 7, 2021, Haiti’s president, Jovenel Moïse, was assassinated. In the months before, the country had been split on the fate of Moïse. At the heart of the dispute was the date Moïse’s presidential term was actually over. His supporters said that, thanks to a disputed election, there was one more year on his term. Opposition leaders said that Moïse’s term ended on February 7, 2021, four years after he took office. When the opposition attempted to swear in a new president, Moïse and his supporters decried their actions as a coup.

During his tenure, Moïse dissolved Parliament, undermined the judicial system and other institutions, and ruled by decree. Before his death, many Haitians accused Moïse and his cronies of stealing millions of oil dollars and, in December 2020, the U.S. Treasury Department issued sanctions on two top government officials and a gang leader for a 2018 anti-government gathering that left over 70 Haitians dead.

Even before this latest turmoil, over half of Haitians lived on less than \$2.41 a day, there had been a cholera epidemic since the 2010 earthquake, and food and clean drinking water were scarce for many. Elections have always been shady; violence high; kidnappings, money-laundering and arms trafficking commonplace; and the police ineffective and corrupt.

Practically everything about Haiti needs to be reformed and the United States must continue to engage not only for the safety and security of the Haitian people, but to protect our national security interests in the region. It’s important to remember that Haiti is less than 700 miles from the shoreline of Florida. The last thing we need is a failed state run by violent drug warlords that close to our border.

HONDURAS

Honduras – along with the other two countries that make up the Northern Triangle, El Salvador and Guatemala – has been rife with corruption for years. Among the poorest countries in the Western Hemisphere, Honduras spends next to nothing on social services. As a result, 20 percent of Hondurans admit to paying bribes in exchange for these services. It is estimated that extortion alone costs Hondurans around \$200 million every year.

After a government embezzlement scandal in 2015 – which included the theft of hundreds of millions of dollars from the country’s social security fund – Honduras partnered with the Organization of American States (OAS) to establish the Mission to Support the Fight Against Corruption and Impunity in Honduras (MACCIH).

However, unlike the anti-corruption commission in Guatemala, Honduran President Juan Orlando Hernández demanded the initiative be purely advisory, meaning no investigations without the consent of the government. President Hernández did not renew the MACCIH mandate in January 2020.

If you are wondering why President Hernández, who took office in 2014 and was re-elected in 2017, didn’t really like the MACCIH, it’s because he is straight-up corrupt. Although they couldn’t really investigate it thoroughly, MACCIH staff found evidence of significant corruption involving Hernández, his family and close associates.

Although allegations of fraud, corruption and drug trafficking have followed Hernández for years, the Trump administration overlooked them because of Hernández’s commitment to help with America’s immigration issues.

But it’s a new day! In January 2021, New York federal prosecutors accused Hernández of accepting millions of dollars from drug traffickers in exchange for him looking the other way as they sent massive amounts of cocaine to the United States. He was extradited to the United States in April 2022.

HONG KONG

The CIA describes the origin story of Hong Kong this way:

“Occupied by the United Kingdom (UK) in 1841, Hong Kong was formally ceded by China the following year; various adjacent lands were added later in the 19th century. Pursuant to an agreement signed by China and the UK on December 19, 1984, Hong Kong became the Hong Kong Special Administrative Region of the People’s Republic of China on July 1, 1997. In this agreement, China promised that, under its one country, two systems formula, China’s socialist economic system would not be imposed on Hong Kong and that Hong Kong would enjoy a ‘high degree of autonomy’ in all matters except foreign and defense affairs for the subsequent 50 years.” This means that Hong Kong has its own laws, as well as freedoms that the Chinese people are not afforded.

China is now violating this agreement – big time – and has launched a full-scale attack on democracy in Hong Kong, putting the freedoms of 8 million people in serious jeopardy.

In February 2019, a proposal was put forth in Hong Kong that would allow extraditions to mainland China, meaning people in Hong Kong suspected of criminal activity could be sent from Hong Kong to mainland China for their fate to be determined.

This aggressive action by China ignited fiery protests throughout Hong Kong. The tens of thousands of protesters believed that this extradition law would be nothing more than a tool to enable political persecution and, since judges in China exclusively serve the Communist Party, it most certainly would be. By the beginning of June, more than half a million people had taken to the streets. On October 23rd, after months of hard-core protests, Carrie Lam, the chief executive of Hong Kong and an agent of China, apologized and withdrew the bill. However, even that did not quell the protests, which had become increasingly violent.

On May 21, 2020, China decided to double-down, installing secret police in Hong Kong and moving to impose a “national security” framework that essentially criminalized all dissent against China. The new “criminal” offenses include “secession, subversion, organization and perpetration of terrorist activities, and collusion with a foreign country or with external elements to endanger national security,” plus “provoking by unlawful means hatred among Hong Kong residents” – all defined arbitrarily by China, naturally.

Images coming out of Hong Kong, like the ones showing hundreds of thousands of protesters hitting the streets and often getting attacked, is not a good look for China. It’s always been hard for me to understand why Beijing takes the position it does on Hong Kong.

President Xi would be wise to realize that an autonomous Hong Kong only serves to provide a very important bridge for him between China and the global market – which makes the relationship potentially very valuable to him. Without question, a vibrant, prosperous, democratic Hong Kong is in China’s best interest in the long run.

Whether President Xi finally realizes this or not, the world must demand that China honor the agreement they signed with the UK on December 19, 1984, and the United States must be unequivocal in our support of both the letter and spirit of the deal.

Also, it is critical that the United States not strip Hong Kong of the special status it was given regarding financial transactions, immigration and trade in the *United States-Hong Kong Policy Act of 1992*, especially since trade between Hong Kong and the United States has now reached over \$38 billion every year.

HUNGARY

If you ever want to study a perfect example of how a traditional liberal democracy can backslide, look no further than Hungary and its Prime Minister Viktor Orbán. < Note: The word “liberal” is not used here as it’s often used to describe someone’s political positions in American

politics. A *liberal democracy* refers to a representative democracy that protects individual liberty through established rule of law. On the other hand, an *illiberal democracy* places no (or very few) limits on the power of elected representatives. >

First, it's important to make clear that Orbán is an authoritarian leader (one who favors strict obedience to authority over personal freedom) that champions autocracy (a government led by one person who has absolute power). For years, Orbán has methodically shifted Hungary away from the traditions of liberal democracy by embracing far-right, nativist politics – effectively shutting down immigration; at once bribing and threatening the media; stacking the judiciary with close allies; and sabotaging free and fair elections through aggressive gerrymandering.

Orbán wraps his populism in national sovereignty and antisemitic “Christian” identity while, at the same time, wages fierce culture wars against everything from multiculturalism to LGBTQ rights. He has worked hard to make the educational system in Hungary more “patriotic” – as defined by him – and spies on journalists and dissidents.

Perhaps the scariest tool Orbán and his Fidesz party has used to centralize power for themselves is to place Hungary's three branches of government – the executive, legislative and judicial – firmly under Fidesz's control. Orbán calls this a “system of national co-operation,” probably because it's less alarming than saying what it really is – a fully illiberal regime.

Freedom House – a U.S. government-funded nonprofit organization that conducts research and advocacy on democracy, political freedom, and human rights – put it this way:

“Prime Minister Viktor Orbán's government in Hungary has dropped any pretense of respecting democratic institutions. After centralizing power, tilting the electoral playing field, taking over much of the media, and harassing critical civil society organizations since 2010, Orbán moved during 2019 to consolidate control over new areas of public life, including education and the arts. The 2020 adoption of an emergency law that allows the government to rule by decree indefinitely has further exposed the undemocratic character of Orbán's regime.

Hungary's decline has been the most precipitous ever tracked in Nations in Transit; it was one of the three democratic frontrunners as of 2005, but in 2020 it became the first country to descend by two regime categories and leave the group of democracies entirely."

Varieties of Democracy (V-Dem) measures democracy by assessing five high-level principles of democracy: electoral, liberal, participatory, deliberative, and egalitarian. In 2018, V-Dem also removed Hungary's status as a democracy.

INDIA

India was absolutely devastated by Covid-19. Officials say the demand for treatment overwhelmed a health care system that already lacked medical supplies and infrastructure, and India's economy experienced the biggest decline of all the major economies. The World Health Organization reports that over 4.7 million people in India died because of Covid.

India is a very important strategic partner for the United States, and we need to nurture this relationship and strengthen our ties even more.

The bilateral relationship between the world's largest democracies is a huge economic opportunity for America as India's domestic market continues to develop. Although, even before the pandemic, India was facing an economic slowdown and severe inflation, India's economy is the 7th largest in the world.

India is also central to our Indo-Pacific security strategy. The fact that China has grown increasingly assertive and moved aggressively to expand its presence in the Indian Ocean has closely aligned the security interests of the U.S. and India. This has led to stronger bilateral defense cooperation between our two countries.

At a two-plus-two dialogue on September 6, 2018, India and the U.S. signed the Communications Compatibility and Security Agreement

(COMCASA), which allows India access to advanced U.S. communication technology as well as real-time communication between our militaries.

At the following two-plus-two dialogue, the countries signed the Basic Exchange and Cooperation Agreement (BECA), which authorizes the sharing of sensitive geospatial data to help increase the accuracy of Indian drones and cruise missiles. This alliance gives the United States a way to navigate and balance China's rise while providing India a way to further protect itself against Pakistan, its main rival, and better solidify its border position with China.

This last one is increasingly important for India's security. In June 2020, tensions at the India-China border reached its highest level in over forty years. For weeks, President Xi Jinping of China and Prime Minister Narendra Modi of India had been sending troops to Galwan Valley, an area high in the Himalayas that was the site of a war between the two countries in 1962.

That war ended in an uneasy truce whereby an ill-defined 2,100-mile-long Line of Actual Control was established. This was meant to ease hostilities but plenty of bad blood remains – which is a problem when both countries in the dispute have nuclear weapons. Now, both sides are aggressively building infrastructure to further stake their claims, which is only inflaming tensions more.

§§§

The United States' alliance with India is, on balance, positive, but there are three issues that demand immediate attention, plus one emerging (unacceptable) dynamic within India that we need to watch carefully.

The first issue is trade. U.S. goods and services trade with India totaled an estimated \$146.1 billion in 2019. The United States is now India's largest trading partner and India is now our 9th largest goods trading partner and 12th largest goods export market.

On June 5, 2019, Donald Trump removed India from the U.S. Generalized System of Preferences (GSP), a preferential trade status that

India had enjoyed with the United States since the 1970s. The GSP is a program that allows certain products from qualifying developing countries to enter America duty free. Abruptly ending this agreement doesn't really sound like something a friend would do. Unsurprisingly, India retaliated with tariffs on 28 American products. < you can find more on this in the Trade section in Part One, Chapter Four >

The second issue is immigration. During the Trump administration, fewer and fewer citizens of India were granted student visas and H-1B visas, which is detrimental to the long-term economic interests of the United States and, I'm sure, taken as a snub in India. < you can find more on this in the Immigration section in Part One, Chapter Four >

The third issue is Kashmir, a territory that both India and Pakistan claim and have already fought two wars over. Although both countries claim to have full rights over Kashmir, the area is internationally recognized as "Indian-administered Kashmir" and "Pakistan-administered Kashmir."

On August 5, 2019, Modi's Hindu nationalist government revoked Article 370 of the Indian constitution, a provision that granted autonomy to Jammu and Kashmir. Technically, it takes approval by the Jammu and Kashmir constituent assembly for Article 370 to be revoked – which is impossible because the assembly was dissolved in 1956.

The United States' response to this dangerous and volatile situation was embarrassing. Essentially, Donald Trump clumsily forced his way into the conflict between Delhi and Islamabad at a meeting with Prime Minister Imran Khan in July 2019.

After the meeting, Donald falsely claimed that Prime Minister Modi had specifically requested his involvement, which led to India's Ministry of External Affairs releasing a Tweet – the only way Donald Trump would probably see it – that said, "We have seen @POTUS's remarks to the press that he is ready to mediate, if requested by India & Pakistan, on Kashmir issue. No such request has been made by PM @narendramodi to U.S. President."

The tweet continued, "It has been India's consistent position that all outstanding issues with Pakistan are discussed only bilaterally. Any engagement with Pakistan would require an end to cross border terrorism. The Shimla Agreement & the Lahore Declaration provide the

basis to resolve all issues between India & Pakistan bilaterally.” This seems like India’s way of saying butt out!

That said, it is in America’s best interest to encourage a resolution on Kashmir between India and Pakistan, as well as make certain that the Muslim minority in both Kashmir and India is protected.

...which leads to the emerging (unacceptable) dynamic within India that we must watch carefully. In May 2019, Modi, who was the incumbent prime minister, and his Bharatiya Janata Party (BJP) won a historic victory which solidified the Hindu nationalists’ place in the power structure of the country.

Today, Modi’s approval rating among his people is 78 percent, by far the highest approval rating of any major leader in the entire world. The fact that India has more than doubled its share of the global economy over the past three decades probably has something to do with the goodwill. India now accounts for 7.2 percent of global GDP.

Modi’s popularity – or what many would call “cult of personality” – makes what is happening in India even more concerning. Varieties of Democracy (V-Dem) ranked India 108th among 179 countries in its 2023 report on global democracy, referring to India as an “electoral autocracy” instead of a democracy.

This is unsurprising given that Modi’s tenure is becoming more and more authoritarian by the day. For one, he is severely cracking down on journalism and news organizations. In its 2023 World Press Freedom Index, Reporters Without Borders ranked India 161st among 180 countries, an 11-point drop from just one year before: “The violence against journalists, the politically partisan media and the concentration of media ownership all demonstrate that press freedom in India is in crisis.”

Most frightening, the calls for Muslim genocide are getting louder and more brazen. Although Modi’s treatment of the Muslim minority was comparatively innocuous during his first term, his second term is shaping up quite differently for the Muslim population. This is of particular concern in Kashmir.

After Modi’s Hindu nationalist government revoked Article 370, seven million people were immediately put in limbo and tensions escalated quickly in an area that was already under severe distress. In addition to revoking Article 370, Modi sent in more troops to implement

curfews, roadblocks and other restrictions; shut down Internet and cellular communications; throw out all visitors, including journalists; and arrested local politicians and pro-freedom activists. Almost immediately, Pakistan's then Prime Minister Khan compared Modi to Hitler.

Meanwhile, within India's borders, Muslims have experienced uneven justice by the police and the courts, been killed for alleged slights against Hinduism, and lost contested religious sites to Hindus, like the one at Ayodhya. Modi has also implemented a citizenship test that makes it easier for Hindus, but not Muslims, to become citizens and has pushed for a register of citizens, which would require those in India to provide evidence of their citizenship – even though he knows full well that many Muslims can't produce the necessary paperwork.

This is made far worse by the fact that, at the same time, Modi's government ordered detainment camps be built for those in "violation" of the proposed order.

These actions are fraught with human rights violations. And there's an additional consequence: As the Muslim minority feels more threatened and alienated, Islamist terrorist groups could use their vulnerability and fear to gain a stronger foothold in India. Under no circumstance can we allow that to happen.

IRAN

Pulling out of the 2015 *Joint Comprehensive Plan of Action* (JCPOA) in May 2018 is one of the most irresponsible things Donald Trump did in his time in office.

First of all, leaving the deal made the United States look completely unreliable and put us at odds, yet again, with our European allies. We looked like total amateurs. But, far worse, it made the entire world much more unstable and vulnerable.

The JCPOA was an agreement between Iran and Britain, China, the European Union, France, Germany, Russia and the United States.

From the beginning, Donald Trump had a huge issue with the deal, saying things like (remember, this is a direct quote hence the discombobulated wording), “We gave them \$150 billion and \$1.8 billion and we got nothing...look at what they did to John Kerry and to President Obama. Look what happened, where they’re bringing planeloads of cash, planeloads, big planes, 757s, Boeing 757s coming in loaded up with cash. What kind of a deal is that?”

This is a complete distortion of what actually happened. When the JCPOA was signed, Iran regained access to its own assets that have been frozen. It’s true that around \$1.8 billion was paid to Iran from the U.S. Treasury – and did arrive in Tehran on a cargo plane, in cash – but that was money that the United States already owed Iran (Iran had paid us for military equipment that never was delivered).

Still, even if you disagree with these decisions by the Obama administration, it had already happened. The money had already been paid, so why in the world would you blow everything up after the most controversial, hard-to-swallow part of the deal was already in our rearview?

The JCPOA was far from perfect, but the agreement achieved a huge goal: The Iranian government agreed to cut its stockpile to no more than 300kg of low-enriched uranium; promised that it would not enrich any uranium beyond 4 percent and that it would have only one enrichment facility; and, most importantly, Iran agreed to allow the International Atomic Energy Agency access to its nuclear facilities to verify its compliance.

Iran was complying with the deal. In May 2018, the month the Trump administration pulled us out, the International Atomic Energy Agency (IAEA) released this statement: “The IAEA is closely following developments related to the Joint Comprehensive Plan of Action (JCPOA). As requested by the United Nations Security Council and authorized by the IAEA Board of Governors in 2015, the IAEA is verifying and monitoring Iran’s implementation of its nuclear-related commitments under the JCPOA. Iran is subject to the world’s most robust nuclear verification regime under the JCPOA, which is a significant verification gain. As of today, the IAEA can confirm that the nuclear-related commitments are being implemented by Iran.”

Not long after our exit, what had become a relatively stable situation escalated into crushing “maximum pressure” U.S. sanctions against Iran. Both Iran and the U.S. seized oil tankers. The United States shot down Iranian drones and sent additional troops to Saudi Arabia. The Strait of Hormuz, the only sea passage from the Persian Gulf to the rest of the world, got increasingly confrontational.

Plus – big surprise – Iran increased 1) the number of its centrifuges enriching uranium, and 2) its stockpile of low-enriched uranium. < Note: Although low-enriched uranium is used in nuclear power plants, it can also be processed into highly enriched uranium which is used for nuclear weapons. >

Soon, Iran had breached the limit on uranium enrichment agreed to under the JCPOA and got a lot closer to obtaining fissile uranium, another ingredient needed for nuclear weapons.

All of these actions helped Iran reduce its breakout time (the time it takes for them to have a nuclear weapon). The scary part is that Iran already knows exactly how to do this. In the 1990s, Iran initiated Project 110, a plan to build five nuclear weapons. They have since abandoned the effort, but it made for one heck of a dry run.

All this madness was before the U.S. drone assassination of Maj. Gen. Qassim Suleimani, a senior official of the Islamic Republic of Iran who was close to Iran’s supreme leader, Ayatollah Ali Khamenei. Suleimani was also the commander of the Quds Force, an agency that is part of Iran’s formal military structure and responsible for Iran’s covert military operations (more on this in a minute).

After the attack on Suleimani, Iran immediately said that it was suspending its remaining commitments under the 2015 nuclear deal. They also vowed to abandon the “final restrictions” on uranium enrichment period.

Then came the assassination of Iran’s top nuclear scientist, Mohsen Fakhrizadeh, which Iran responded to with a new law that immediately ramped up of its enrichment of uranium to a level of 20 percent, a level much closer to weapons-grade fuel. The new law also required that international nuclear inspectors be expelled if U.S. sanctions were not lifted.

The whole thing just turned into total chaos, a Trump specialty. Essentially, the Trump administration's irrational and irresponsible behavior backed Iranian President Hassan Rouhani and Supreme Leader Ali Khamenei into a corner and that is NOT where this needed to go.

Now operating alone, the Trump administration tried to unilaterally impose "maximum pressure" against Iran, a strategy that included crippling economic sanctions against the country, individuals, companies, and financial institutions that do business with Iran. The U.S. also designated the Islamic Revolutionary Guard Corps as a terrorist organization and seized cargo from tankers carrying Iranian petroleum.

Without question, U.S. sanctions have had a devastating effect on Iran, but they did not deliver the knockout blow the Trump administration envisioned. At least fourteen banks continued to do business with Tehran. And, unsurprisingly, by mid-April 2021, Iran had announced that it would begin enriching uranium to 60 percent, a level triple the current level.

Another thing the Trump administration naïvely envisioned was being able to control issues within the JCPOA without being a part of it. This led to some embarrassing moments, like in August 2020 when the United States notified the United Nations Security Council that it would invoke a "snapback," whereby the United Nations sanctions on Iran that were suspended with the signing of the JCPOA would be reinstated.

However, the United Kingdom, France and Germany refused to join the Trump administration in reinstating these sanctions, adding that the United States had no standing to invoke this rule because it was no longer in the JCPOA, a position shared by China and Russia. < Note: China, Russia, France, Germany, and the United Kingdom all remained in the JCPOA. >

Earlier that same month, the United Nations Security Council had already rejected an American proposal to extend a five-year ban on the sale of conventional weapons to Iran, highlighting once again how isolated the United States has become on the topic of Iran.

If this episode has taught us anything, it's that we have to reengage with our global partners to collectively deal with Iran, especially now that Chief Justice Ebrahim Raisi, a conservative hard-liner with an affinity for horrific human rights abuses, is now Iran's president.

As we negotiate to reenter some form of the JCPOA – which we must do – it is imperative that we also address Iran’s human rights abuses, like the mass arrests of Iranians who peacefully protest the government and the execution of journalist Ruhollah Zam, a dissident journalist who did nothing more than report on the 2017 antigovernment protests in Iran.

We have no time to waste. The *Annual Threat Assessment from the U.S. Director of National Intelligence*, released on April 9, 2021, warns:

“Iran will present a continuing threat to U.S. and allied interests in the region as it tries to erode U.S. influence and support Shia populations abroad, entrench its influence and project power in neighboring states, deflect international pressure, and minimize threats to regime stability. Although Iran’s deteriorating economy and poor regional reputation present obstacles to its goals, Tehran will try a range of tools – diplomacy, expanding its nuclear program, military sales and acquisitions, and proxy and partner attacks – to advance its goals. We expect that Iran will take risks that could escalate tensions and threaten U.S. and allied interests in the coming year.”

- † Iran sees itself as locked in a struggle with the United States and its regional allies, whom they perceive to be focused on curtailing Iran’s geopolitical influence and pursuing regime change.
- † Tehran’s actions will reflect its perceptions of U.S., Israeli, and Gulf state hostility; its ability to project force through conventional arms and proxy forces; and its desire to extract diplomatic and economic concessions from the international community.
- † With regards to U.S. interests in particular, Iran’s willingness to conduct attacks probably will hinge on its perception of the United States’ willingness to respond, its ability to conduct attacks without triggering direct conflict, and the prospect of jeopardizing potential U.S. sanctions relief.

† Regime leaders probably will be reluctant to engage diplomatically in talks with the United States in the near term without sanctions or humanitarian relief or the United States rejoining the *Joint Comprehensive Plan of Action* (JCPOA). Iran remains committed to countering U.S. pressure, although Tehran is also wary of becoming involved in a full-blown conflict.

Indeed, Iran has been digging a massive tunnel network south of their Natanz nuclear production site, an indication they are constructing new, very deep nuclear facilities designed to survive foreign attacks, including bombs and cyberattacks.

Equally concerning, at the end of 2021, the International Atomic Energy Agency (IAEA) announced that Iran is enriching uranium to 20 percent purity at its Fordow facility, an action that was prohibited by the *Joint Comprehensive Plan of Action* (JCPOA). By September 2022, the IAEA released a report that says Iran's uranium at 60 percent is close to 90 percent usable in weapons. This means that Iran has enough uranium near weapons-grade for a nuclear bomb.

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Shifting gears, we need to examine the drone attack that killed Maj. Gen. Qassim Suleimani. To that end, let's focus on three things:

- † Did this action make Americans more safe or less safe?
- † Did this action make strategic sense for the United States?
- † Did Donald Trump have the constitutional authority to launch the attack without congressional approval?

I believe the answer to all three of these questions is NO for the following reasons:

REASON ONE

This drone attack destabilized an already incredibly volatile region and will still most likely get more – not less – Americans killed. Don't think for one second that just because there hasn't yet been a retaliatory attack that there never will be. In fact, in August 2020, Iran unveiled two new missiles. One of the missiles was named after Maj. Gen. Qassem Soleimani, and the other was named after Iraqi military commander Abu Mahdi al-Mohandes, who was killed in the same drone strike.

Long-term retaliation could include attacks on our embassies or other civilian/military facilities in the Middle East and beyond; military escalation on the ground in Syria and/or Iraq; disruption of the Strait of Hormuz and Gulf States' oil infrastructure; and Hezbollah attacks on Israel.

Already, this incident caused Iraqis to rally against us and empowered the Lebanese Shiite militia Hezbollah, the most capable nonstate armed group on the planet.

REASON TWO

This action interrupted our fight against ISIS and pulled us further back into physical combat in the Middle East. After Suleimani's death, the Pentagon deployed around 3,500 soldiers from the 82nd Airborne Division to the region, in addition to the 750 deployed there just a week earlier.

Also, making a martyr out of an Iranian national hero makes the road that much more difficult for Iranian moderates such as President Hassan Rouhani and Foreign Minister Javad Zarif to push for compromise and elevates Iran from somewhat of a bit regional player to a major global one.

REASON THREE

As I have said repeatedly, the Lone Wolf mentality of the executive branch has been out of control for decades. At the time of this drone attack, Donald Trump said he acted without Congress because there was an imminent threat against four United States embassies, which is the only way he could get around congressional involvement.

Since that time, it's been proven there was no imminent threat, which makes his actions unconstitutional. Former Defense Secretary Mark Esper admitted he saw no evidence that Iran targeted four U.S. embassies, and former Secretary of State Mike Pompeo admitted that the United States did not have specific intelligence on an imminent attack.

In response to Pompeo's statement, Donald tweeted that Suleimani was indeed planning an imminent attack on America, but that "it doesn't really matter" either way "because of his horrible past!"

The constantly shifting, paper thin justifications told by the Trump administration after the drone attack were again exposed as lies when, in February 2020, the White House sent Congress a legally mandated memo about the incident. The report admitted that the drone strike that killed Suleimani was "in response to an escalating series of attacks in preceding months" by Iran and Iran-backed militias, not an imminent future threat.

The memo continues, "The purposes of this action were to protect United States personnel, to deter Iran from conducting or supporting further attacks against United States forces and interests, to degrade Iran's and Quds Force-backed militias' ability to conduct attacks, and to end Iran's strategic escalation of attacks."

The House of Representatives should hold open hearings to get to the bottom of the decision-making process behind the killing of Qassim Suleimani. We cannot continue to allow presidents to bypass Congress just because they fear they won't get their own way. We have checks and balances for a reason, people!

ISRAEL/PALESTINE

The Hamas attacks on Israel on October 7, 2023 were brutal and unacceptable, and Israel has every right to defend itself against savage terrorism. That said, it's critical that Israel and the entire world remember that the enemy in this particular conflict is Islamic extremists, not the innocent Palestinians whom Hamas uses as pawns in its atrocious war games. At the end of the day, there is ***zero doubt*** that there is no greater security measure for everyone involved than peace.

On March 25, 2024, after five months of brutal fighting and a subsequent catastrophic humanitarian crisis, the U.N. Security Council finally passed U.N. Security Council Resolution 2728, demanding an unconditional halt to fighting in Gaza. Fourteen nations, including China and Russia, supported the resolution. After shamefully vetoing several previous attempts, the United States abstained from the vote, allowing the cease-fire to pass. The resolution also demanded the “immediate and unconditional release of all hostages” held in Gaza.

The United States must join the call for the immediate implementation of this resolution, as well as U.N. Security Council Resolution 2720, which underscores the immediate need for humanitarian supplies and assistance. To that end, the U.N. Relief and Works Agency and other relevant organizations must be granted full access into Gaza through all crossing points.

Furthermore, the United States must make crystal clear its opposition to an Israeli offensive on Rafah. It is impossible for any sort of military action in Rafah – where roughly 1.5 million Palestinian civilians have sought refuge – to not have a severe and significant humanitarian impact, including the deaths of innocent men, women, and children which is a blatant violation of international law.

This relentless conflict has been violent, oppressive, frustrating, and futile for decades. Escalating death, damage and destruction have proven that the price of not having some version of peace is devastating for both Israelis and Palestinians. This conflict needs to reach some sort of

resolution...and the United States has the leverage necessary to bring pressure to bear to make significant progress toward that goal.

The Congressional Research Service reports that “Israel is the largest cumulative recipient of U.S. foreign assistance since World War II...in 2016, the U.S. and Israeli governments signed their third 10-year Memorandum of Understanding (MOU) on military aid, covering FY2019 to FY2028. Under the terms of the MOU, the United States pledged to provide – subject to congressional appropriation – \$38 billion in military aid (\$33 billion in Foreign Military Financing grants plus \$5 billion in missile defense appropriations) to Israel. This MOU followed a previous \$30 billion 10-year agreement, which ran through FY2018.”

Through the years, there have been many back-and-forth negotiations between the parties, but I believe the Clinton Parameters, offered to the Israelis and Palestinians by President Bill Clinton on December 23, 2000, are a solid place to resume talks.

Although this deal got closer than many of the others, there is no question there are tricky issues involved – the Palestinian right of return to Israel, concerns about lack of land contiguity, Israel’s continued settlement building in the West Bank, and sovereignty over the Temple Mount remain major points of contention, just to name a few. But my hope is that these parameters can serve as a starting point for further negotiations.

As President Clinton said at the time, “I believe this is the outline of a fair and lasting agreement. It gives the Palestinian people the ability to determine their future on their own land, a sovereign and viable state recognized by the international community, al-Quds as its capital, sovereignty over the Haram, and new lives for the refugees. It gives the people of Israel a genuine end to the conflict, real security, the preservation of sacred religious ties, the incorporation of 80 percent of the settlers into Israel, and the largest Jewish Jerusalem in history, recognized by all as your capital.”

The time has come to resolve this destructive, heartbreaking situation once and for all.

THE CLINTON PARAMETERS KEY POINTS

(taken directly from *The Missing Peace: The Inside Story of the Fight for Middle East Peace* by Dennis Ross)

TERRITORY

The solution should provide for Palestinian sovereignty over 94-96 percent of West Bank territory, with a land swap of 1-3 percent to partially compensate for the land Israel annexes for its settlement blocs. Other territorial arrangements such as permanent Safe Passage will need to be worked out (the swap of leased land could also be considered). The final maps should include 80 percent of the settlers in blocs, contiguity of territory for each side, minimize annexation and the number of Palestinians affected.

SECURITY

The challenge is to address legitimate Israeli security concerns while respecting Palestinian sovereignty. The key lies in an international presence that can only be withdrawn by the agreement of both sides.

Israeli withdrawal should be phased over 36 months while the international force is gradually introduced into the area. At the end of this period, a small Israeli presence in fixed locations would remain in the Jordan Valley under the authority of the international force for another 36 months. This period could be reduced in the event of favorable regional developments that diminish the threats to Israel.

On early-warning stations, Israel should maintain three facilities on the West Bank with a Palestinian liaison presence; the stations would be subject to review after three years, with any change in status to be mutually agreed. For defining what would constitute an “emergency,” formulations should be used that refer to “an imminent and demonstrable

threat to Israel’s national security that requires Israel to declare a national state of emergency.”

The international forces would need to be notified of any such determination. On airspace, the state of Palestine will have sovereignty over its airspace, but the two sides should work out special arrangements for Israel training and operational needs.

While Israel wants Palestine to be defined as a “demilitarized state” and Palestine wants to be defined as “a state of limited arms,” both should think in terms of a “non-militarized state.” This would be consistent with the fact that, as well as a strong Palestinian security force, Palestine will have an international force for border security and deterrence purposes. Whatever the terminology, both sides will need to work out specific understandings on the parameters of the Palestinian security forces.

JERUSALEM

On Jerusalem, the most promising approach is to follow the general principle that what is Arab in the City should be Palestinian and what is Jewish should be Israeli. This would apply to the Old City as well.

Regarding the Haram/Temple Mount issue, there are two approaches that could formalize Palestinian de facto control over the Haram while respecting the convictions of the Jewish people.

Under each, there could be an international monitoring system to provide mutual confidence:

(1) Mutual agreement could provide for Palestinian sovereignty over the Haram, and for Israeli sovereignty over either “the Western Wall and the space sacred to Judaism of which it is a part” or “the Western Wall and the holy of holies of which it is part.” There would be a firm commitment by both not to excavate beneath the Haram or behind the Western Wall.

(2) Alternatively, the agreement could provide for Palestinian sovereignty over the Haram and Israeli sovereignty over the Western Wall and for “shared functional sovereignty over the issue of excavation under the

Haram or behind the Western Wall.” That way, mutual consent would be required before any excavation takes place in these areas.

REFUGEES

The issue of Palestinian refugees is no less sensitive than Jerusalem. In 2000, Clinton believed that Israel was prepared to acknowledge the moral and material suffering caused to the Palestinian people as a result of the 1948 War and the need to assist the international community in addressing the problem. He also believed that the Palestinian side was prepared to join in such an international solution.

The fundamental gap seems to be how to handle the concept of the right to return. Because of the history, it would be hard for the Palestinian leadership to appear to be abandoning the principle. At the same time, the Israeli side cannot accept any reference to a right of return that would imply a right to immigrate to Israel in defiance of Israel’s sovereign policies on admission or that would threaten the Jewish character of the State.

Any solution will have to address both of these needs. It will also have to be consistent with the two-state approach that both sides have once accepted as the way to end the Israeli-Palestinian conflict. If these parameters are revived, a new State of Palestine will about to be created as the homeland of the Palestinian people, just as Israel was established as the homeland of the Jewish people.

Under this two-state solution, the guiding principle has to be that the Palestinian state will be the focal point for the Palestinians who choose to return to the area, without ruling out that Israel will accept some of these refugees.

Both sides should adopt a formulation on the right of return that will make clear there is no specific right of return to Israel, itself, but that does not negate the aspirations of Palestinian refugees to return to the area.

There are two alternatives: (1) Both sides recognize the right of Palestinian refugees to return to historic Palestine. (2) Both sides recognize the right of Palestinian refugees to a homeland. The agreement

would define the implementation of this general right in a way that is consistent with the two-state solution.

It would list the five possible homes for refugees: 1) The State of Palestine, 2) Areas in Israel being transferred to Palestine in the land swap, 3) Rehabilitation in host country, 4) Resettlement in third country, 5) Admission to Israel. In listing these five options, both sides would make clear that return to the West Bank, Gaza, or the areas acquired through the land swap would be a right for all Palestinian refugees, while rehabilitation in their host countries, resettlement in third countries, or absorption into Israel would depend upon the policies of those countries.

Israel could indicate in the agreement that it intended to establish a policy so that some of the refugees could be absorbed into Israel, consistent with Israel's sovereign decision.

ISRAEL & ARAB COUNTRIES THE ABRAHAM ACCORDS

Commonly referred to as the Abraham Accords, the Trump administration worked to establish formal diplomatic relations between Israel and several Arab countries including the United Arab Emirates, Bahrain, Morocco, and Sudan. These countries joined Jordan (1994) and Egypt (1979) in normalizing relations with Israel. The Accords were meant to extend beyond economic issues and intelligence sharing and hopefully produce cultural exchanges as well.

On paper, the concept behind this endeavor was awesome, but the Trump administration's blind spot was Palestine. The entire strategy behind the Abraham Accords seemed to be built around three thoughts: 1) the notion that Palestine was so weakened and marginalized that Israel could just bypass the conflict altogether, 2) the United States could weaken Palestine even further by withdrawing all our humanitarian funding, which Donald Trump did in 2018 when he cut over \$200 million in direct aid to Palestine as well as funding to the United Nations Relief and Works Agency (UNRWA), a UN body that supports over 5 million Palestinian refugees, and 3) the Sunni Arab leaders in the region were sick and tired of Palestinian leadership and, despite the suffering of the Palestinian people, were ready to do things differently.

In fact, Jared Kushner, Donald Trump's son-in-law, former adviser, and main cheerleader behind the Abraham Accords, said as much in *The Wall Street Journal* when he wrote, "One of the reasons the Arab-Israeli conflict persisted for so long was the myth that it could be solved only after Israel and the Palestinians resolved their differences. That was never true. The Abraham Accords exposed the conflict as nothing more than a real-estate dispute between Israelis and Palestinians that need not hold up Israel's relations with the broader Arab world."

Well, not exactly, Jared – at least judging by the regional reaction to Israel's airstrikes in Gaza between May 11-15, 2021. Not long after the bombs, shells and missiles started raining down, many Arab countries quickly condemned Israel's role in the attacks.

It probably didn't help that these Arab governments witnessed the Israelis attack the al-Aqsa Mosque in Jerusalem, one of Islam's most sacred sites. During their holy month of Ramadan, no less.

The United Arab Emirates (UAE) Foreign Ministry issued a statement criticizing “acts of violence committed by right-wing extremist groups in the occupied East Jerusalem” and called on Israeli leadership to “assume responsibility toward de-escalation and putting an end to all aggressions and practices that perpetuate tension and hostility.” The statement ended with the UAE urging “maximum self-restraint to avoid the region slipping into new levels of instability in a way that threatens peace.”

Bahrain and others shared similar concerns, with the Saudi Arabia Foreign Ministry condemning “in the strongest terms the Israeli occupation's blatant assaults on the sanctity of the holy Aqsa Mosque, and on the security and safety of worshipers.” They also called on leaders around the world to “hold the Israeli occupation responsible for this escalation, and to immediately stop its escalatory actions, which violate all international norms and laws.”

An opinion piece by political science lecturer Talal Bannan, published in the Saudi newspaper *Okaz*, went way further, calling Israel a “racist, hateful entity” that exists only “through aggression, racism and raping of land.” Bannan went on to say that any Arab country that enters into an agreement with Israel “acquiesces to Israel's aggressive behavior.” This wouldn't seem like a big deal except that nothing gets printed in Saudi Arabia without the approval of the highest leaders in the kingdom.

Now, the current Israel-Hamas war has further complicated Israel's relationships with Arab countries. Although it hasn't officially pulled out of the Accords, Bahrain shut its airspace to Israel and recalled its ambassador. Before the war, Saudi Arabia had moved toward signing the Accords but has since put those plans on hold – seeming to understand that normalization between Israel and Arab countries will not succeed if Palestine is not taken into consideration.

§§§

So, what exactly are these Abraham Accords and how did all of this come about? It all started with the United Arab Emirates. Although Israel and the UAE had been secretly doing business together for years, the fact that both countries formally acknowledged the relationship marked a historic shift in Middle East geopolitics.

For one, it put Iran and all its buddies – Syria, Yemen, Turkey, Hezbollah, Hamas, Iraqi militias, ISIS and other terror organizations – on notice. While economic and safety issues helped propel the agreements between Israel and Arab countries, joining together to face down Iran was on the top of the list.

Unsurprisingly, the Palestinian Authority – believing these new relationships give Israel the advantages of peace without them having to deal with the Israeli/Palestinian standoff – condemned the UAE agreement as a betrayal.

But that's unfair. In truth, the UAE refused to enter into the agreement without a concession from Israel that it would suspend the annexation of parts of the West Bank. This is a huge deal because annexation would kill any chance of a two-state solution between Israel and the Palestinians.

This seems like positive progress, but there are **two things we need to watch very carefully.**

The **first** involves something that should come as no surprise: Weapons. As the normalization negotiations with the UAE progressed, the Trump administration simultaneously worked on a plan to sell them F-35 stealth fighters as well as MQ-9B Reaper drones, munitions, and possibly an EA-18G Growler, which is an electronic warfare plane.

These types of parallel agreements are nothing new. Egypt received advanced weaponry from the United States after President Anwar Sadat made peace with Israel, and Jordan received F-16s after King Hussein did the same. But for some reason, this one feels a bit shady... almost like a bribe.

Eventually, Congress had to get involved because, per American law, the United States cannot sell weapons to countries that can weaken Israel's military dominance in the Middle East. Nevertheless, Congress was ready to sign on the dotted line and, even though Israeli Prime

Minister Benjamin Netanyahu strongly denies giving his blessing for the weapons sale, several people involved confirmed that he did.

In the end, however, it wasn't Congress that stopped the \$23 billion arms sale to the United Arab Emirates, it was a lawsuit filed against the State Department by a nonprofit think tank. The lawsuit alleged that the sale violated the *Administrative Procedure Act*, which requires that notices be publicly published so the public has a chance to comment.

The **second** thing to watch for are the unintended consequences that will surely arise from these agreements. #TheButterflyEffect

For example, to entice Morocco to come aboard, the Trump administration agreed to formally recognize Morocco's annexation of Western Sahara, something that has been widely rejected by the United Nations, the World Court, and practically everyone else in the world because Morocco gained the territory of Western Sahara by force, which is a violation of international law.

In fact, the Sahrawi Arab Democratic Republic (SADR), who Morocco took the land from, currently governs around one-quarter of Western Saharan territory and around 40 percent of the population and is recognized as an independent state by most countries and is a full member state of the African Union.

Since the land grab in 1975, the United States has never recognized Morocco's claim as legitimate, sticking to our commitment to self-determination. That all changed when the Trump administration formally recognized Moroccan sovereignty over Western Sahara, thereby condoning the takeover of one legally recognized African state by another.

There are several problems with this: 1) It sets a terrible precedent and could embolden other countries to attempt territorial expansion by force. 2) This acknowledgment complicated our relations with Algeria, an important U.S. strategic partner. Algeria fully supports Western Sahara's right to self-determination, and most of the population that the SADR governs live in refugee camps in western Algeria. 3) This move may eventually instigate violence in North Africa, ignited by a conflict between Morocco and Algeria. Plus, al-Qaeda in the Islamic Maghreb and other terrorist groups will unquestionably try their best to exploit the growing tensions in the region.

JAPAN

Japan is one of the most horrifying examples of Donald Trump's irresponsible and disrespect behavior toward our allies.

In June 2019, before his departure for the G-20 summit in Osaka, Japan, Donald Trump threatened to withdraw the United States from the security treaty we have had with Japan since 1951. The cleverly named Security Treaty Between the United States and Japan solidifies the incredibly important relationship between our two countries and has, for decades, been an integral part of American foreign policy.

Asked about the fairness of the treaty, Donald Trump irreverently responded, "If Japan is attacked, we will fight World War III. But if we're attacked, Japan doesn't have to help us at all. They can watch it on a Sony television."

Put aside for the moment that he sounded like a complete jerk, this is not the time for disruptive rhetoric aimed at one of our closest allies. The security treaty protects America every bit as much as it does Japan. As China's military ambitions increase and North Korea continues its bad behavior, we need our allies now more than ever. This was just insanely irresponsible.

Beyond that, we need American leadership to ensure that our allies themselves get along. Historical grievances between South Korea and Japan are reaching critical mass, with grave global economic and security consequences.

What started as a question about what, if anything, Japan owes South Korea for Japan's colonial occupation of the Korean Peninsula until Japan's surrender in World War II has expanded to disputes over territory and geopolitical squabbles.

To maintain rules-based international order in the Indo-Pacific, it is critical that the United States help bridge the gap between our two allies and encourage trilateral cooperation between the United States, Japan and the Republic of Korea (ROK).

This is a good time for a reset as both Japan and the United States have new leadership. Let's hope that the Biden administration and

Yoshihide Suga, the new Prime Minister of Japan who is taking the torch from scandal-ridden Shinzo Abe, can make a fresh start.

LEBANON

Lebanon is hurting. Badly. Even before Covid-19, the government was as corrupt and incompetent as ever, the economy was in a downward spiral, half the country lived in poverty, the currency had already lost over 60 percent of its value, electricity was spotty, the infrastructure was falling apart, and people were starving. Police brutalized anti-government protesters, and tons and tons of improperly stored ammonium nitrate exploded in Beirut, killing almost two hundred people.

Then Covid-19 walloped the country, which had one of the world's highest rates of infections and deaths.

The World Bank gave Lebanon, now a failed state, a humanitarian aid loan, where money was to be directly distributed to the Lebanese people, but it looks like the government found a way to steal some of that money as well. There is other money available, but it cannot be dispersed because the government will not agree to even the most minimal of reforms.

This is awful. The United States needs to support the Lebanese people as they fight against their corrupt and incompetent government. It's not only the right thing to do, but our support may also stop Turkish President Recep Tayyip Erdogan from playing Daddy Warbucks over there.

MEXICO

Mexico and Immigration.....	Part One, Chapter Four
Mexico and Trade.....	Part One, Chapter Four
Mexico and U.S. Border Security	Part One, Chapter Four
Mexico and U.S. National Security.....	Part One, Chapter Four
Mexico and Transnational Crime	see Transnational Crime

MOLDOVA

We must do everything in our power to protect Moldova, the country next to Ukraine that is deeply suffering from Vladimir Putin’s murderous behavior in the region. Moldova is one of the poorest countries in Europe but is desperately trying to break the cycle of political dysfunction and corruption that has been historically thrust upon them by Russia.

With the landslide election of Maia Sandu – a Harvard-educated, pro-West World Bank economist – they now have an excellent shot. But it won’t be easy. There are 1,500 Russian troops who have occupied the Moldovan territory of Transnistria since the breakup of the Soviet Union, and Russia controls Moldova’s energy supply...but Moldova has condemned Putin’s invasion of Ukraine anyway, despite the potential severe consequences.

So far, the United States has been a solid partner to Moldova, giving them over \$130 million to help with the significant costs associated with the hundreds of thousands of refugees who have fled there from Ukraine. Better yet, the European Union has finally given Moldova the paperwork it needs to apply for membership. Fingers-crossed!

MYANMAR (BURMA)*

What the world has allowed to happen – and continue to happen – in Myanmar is an absolute abomination. In Myanmar’s Rakhine State, hostilities between Buddhist and Rohingya Muslims, an ethnic minority population, boiled over in 2017.

After the Arakan Rohingya Salvation Army (ARSA) – a group of Rohingya Muslim militants – led a series of attacks against Myanmar’s military and police stations, Myanmar’s security forces retaliated with a ruthless campaign of murder, arson, human burnings and beatings, gang rape and other mass brutalities. These actions by Myanmar amount to ethnic cleansing by genocide, plain and simple.

The vicious conflict has forced over 740,000 Rohingya Muslims to flee Myanmar into Bangladesh, causing a massive humanitarian crisis as hundreds of thousands of people, at least half of them children, now live in ill-equipped and tattered refugee camps along the border.

The atrocities inflicted upon these Rohingya refugees was finally heard in January 2020 by the International Court of Justice in The Hague (ICJ). The ICJ ruled that Myanmar must implement emergency measures to protect these refugees against violence, prevent any future egregious acts as outlined by the Genocide Convention, and preserve any evidence of potential genocide.

Ironically, Myanmar’s leader at the time, the Nobel Peace Prize laureate Aung San Suu Kyi – who is also the daughter of General Aung San, the country’s independence hero who was assassinated when his daughter was two years old – personally presented her country’s case in The Hague, arguing that while “it cannot be ruled out that disproportionate force” had been used against the Rohingya, calling the behavior genocide is an “incomplete and misleading factual picture.”

This from a woman who, in 2010, was freed from fifteen years of house arrest after a military junta imprisoned her two separate times since 1989. In 1991, she won a Nobel Peace Prize for “her nonviolent struggle for democracy and human rights.”

Upon her release, she was welcomed by thousands of supporters as a pro-democracy leader who promised to release all political prisoners and end the ethnic tensions that haunted the country.

Instead, she made a sharp turn toward the very military that once imprisoned her and strongly denied any government misconduct in regard to the Rohingya Muslims. Her political party, the National League for Democracy, won an election in November 2020 that keeps them in power for another five years.

< Update: On February 1, 2021, Myanmar's military, known as the Tatmadaw, declared a state of emergency and took control of the country, in what amounts to a military coup. The military claims there was voter fraud in the November election. The country's election commission insists there is no evidence to support this claim.

The military detained Aung San Suu Kyi and other leaders of the National League for Democracy, who had been reelected in November in only the second democratically held election since the country moved to a democracy from almost fifty years of military rule.

The military announced that power would be transferred to the commander in chief, Min Aung Hlaing, then handed to Myint Swe, the military-backed vice president. As of March 29, 2021, Min Aung Hlaing was still in power, murdering dissenting voices in the street "in the head and back." Over 400 people have been murdered and over 2,000 arrested, including the overthrown leader Aung San Suu Kyi. >

For over three decades, the United States has been a champion of democracy in Myanmar, which included the demand that thousands of political prisoners be set free. Together with allies, five years after her release in 2010, American leadership even helped Aung San Suu Kyi's National League for Democracy (NLD) win a landslide victory in the first democratically held election.

But, things on the human rights front have gone dramatically downhill since then and will not likely change without outside intervention. Today, there are around 600 political prisoners – including poets, students and Buddhist monks – being held in Myanmar for peacefully protesting for pro-democracy ideals.

Also imprisoned are some of the people who ran in opposition to Aung San Suu Kyi's National League for Democracy in the latest election – an election that disenfranchised 1.5 million registered voters, not counting the million Rohingya Muslims who never had any hope of voting in the first place.

It is disgraceful that the world has let things get this far. In June 2019, the United Nations released a damning report – written by an independent investigator but commissioned by the UN Secretary-General António Guterres – detailing the UN's immense failures in Myanmar:

“Since 2012, and especially since August of 2017, the world has witnessed a wrenching spectacle of human rights violations on a massive scale. The statelessness and extreme deprivation of some 1.4 million Rohingya people, not to mention the grave abuses wrought on them and other Muslim minorities in Myanmar, are totally unacceptable and nothing less than an offence to humanity. Clearly, the main responsibility for this belongs to the Government of that country; sadly, in this it seems to count with the solid support of most of its population. Further, the human rights abuses are undermining an otherwise positive albeit imperfect political process of gradual democratization and (paradoxically) reconciliation.

The United Nations System, despite the advocacy efforts from the Secretary-General's personal involvement, as well as that of the most senior officials down to members of the country team, has been relatively impotent to effectively work with the authorities of Myanmar to reverse the negative trends in the area of human rights and consolidate the positive trends in other areas. Given the increasingly ominous events taking place in the first arena, especially in Rakhine State (but also in Kachin and Northern Shan), progress in Myanmar in other areas seems to have essentially bogged down at the time of writing.

The root causes of those events persist and probably have even been aggravated up to the time of writing this review. By any metrics utilized, the treatment accorded to Muslim minorities

in Myanmar is incompatible with the political and peace processes launched under the Constitution adopted in 2010.

There simply is no way to reconcile the extreme limitations imposed on the Rohingya community with international humanitarian and human rights norms and legislation. Those grave limitations include statelessness, arbitrary and discriminatory restrictions on freedom of movement, discriminatory treatment in access to services and the means to a dignified livelihood, and now the vexing situation of repatriation and relocation of up to one million desperate people. These problems will not go away and pose huge challenges to Myanmar, its immediate neighbors and the United Nations. Indeed, not only Myanmar and Bangladesh are faced with the excruciating question of how to deal with so many refugees concentrated in the Cox's Bazar's district; it is a question faced by the international community in general."

The report goes on to say:

"The reform proposals of Secretary-General António Guterres first announced in 2017 in the areas of management, peace and security, and the development system, generally move in the right direction in addressing some of the key circumstances that made a more coherent response in Myanmar so difficult in the past few years."

However, the author acknowledges, "The recommendations contained in the report presented in 2017 by the Advisory Commission on Rakhine State offer a minimum but insufficient platform on which to start building, and one can only hope that the on-going discussions taking place in Myanmar around the United Nations' Joint Response Plan for 2019 will at least alleviate the dramatic situation of the Rohingya people and other ethnic minorities." You can read the report's recommendations on the 1787 website.

Thankfully, the International Criminal Court (ICC) has authorized an investigation into these crimes, which is a solid first step.

Although the United States has imposed sanctions on sixty-five individuals and twenty-six entities that support this nightmare, much more must be done. America must get off the sidelines or these crimes against humanity will only get worse. At a minimum, we must target banks that support the junta and make sure that an international tribunal is convened to hold the junta accountable for these atrocities.

WE CAN'T LET THINGS LIKE THIS HAPPEN TO HUMAN BEINGS. PERIOD.

* This name thing is confusing. In 1989, the military government changed the name of the country from Burma to Myanmar. Although most of the international community recognized the name change, the United States, United Kingdom, and several other countries continued to use the name Burma. America's official answer for not accepting the name change is that the change was made without the consent of the people.

NICARAGUA

Nicaraguan President Daniel Ortega, who has been in power this time around since 2007, has been around since his Sandinista Liberation Front overthrew the U.S.-backed Anastasio “Tachito” Somoza dictatorship in 1979 (Ortega remained in power that time until he lost an election in 1990). His wife, Rosaria Murillo, is currently his vice-president.

In 2018, Ortega, once a Marxist revolutionary, proposed to slash pension benefits, an action that sparked protests throughout Nicaragua and ended with roughly 450 people killed, thousands more injured, and 25,000 citizens fleeing the country.

La Crisis, as that period is called, prompted the United States and European Union to impose sanctions against Nicaraguan officials and institutions. The United Nations accused the Ortega administration of human rights abuses, including extrajudicial killings.

Although Nicaragua was once one of Latin America’s fastest-growing economies – helped in part by lots of money from Venezuela – the economy had spiraled downward and was in trouble even before the country was hit hard by two hurricanes in 2020, then by the pandemic, which Ortega didn’t take seriously. Taken together, all these events have caused Ortega’s approval rating to crumble, and several pro-democracy opposition movements have emerged in advance of the Nicaraguan elections scheduled for November 2021.

However, things have suddenly taken a dark turn. After passing a law that sanctions life sentences for people involved in “hate crimes” – a law that his opponents always feared Ortega could use against them – he has done exactly that.

Soon after announcing her candidacy for president, Ortega’s government arrested Cristiana Chamorro on charges of money-laundering and something called “ideological falseness.” In March 2022, she was given an eight-year sentence after being found “guilty” of the charges.

Another presidential candidate, Arturo Cruz, was detained for “conspiring against Nicaraguan society” and three others were confined to their homes with no official charges filed against them at all. Well, that’s certainly one way to win an election!

NORTH KOREA

The “summit” (read: photo op) between Kim Jong-un and Donald Trump on June 12, 2018 was a national embarrassment.

This is not Monday morning quarterbacking. I knew from the minute I heard about the meeting (as did almost everyone else on the planet) that this was going to be a major foreign policy disaster.

The entire spectacle of an American president meeting with a brutal dictator was cringe-worthy enough, but Donald Trump made it so much worse by relentlessly praising this tyrant – the same tyrant whose treatment of his people is reprehensible and in direct violation of every single human rights law on earth, who regularly attacks our ally South Korea, who constantly threatens our nation with cyber warfare and nuclear war, and who is directly responsible for the death of Otto Warmbier, an American college student who was thrown in a North Korean prison for “subversion” after going to North Korea with a guided tour group. Seventeen months later, Otto was released back to the United States in a comatose state and died soon after.

No, let’s just forget all of that. Because on June 12, 2018, Kim Jong-un was just another “very, very talented leader” who “wants to do the right thing” while being “very open, very honorable,” and very “worthy,” whatever that means. Donald even complimented the “respect” Little Rocket Man receives from his people: “His country does love him. His people, you see the fervor.”

You better believe they show fervor. You don’t show fervor in North Korea you get your head chopped off. What is it with this man’s fascination with brutal dictators?

This is stellar foreign policy! Let’s see...a negotiation with a newly legitimized (thanks to Donald Trump) North Korea that doesn’t revolve around South Korea...check! Create confusion between the U.S. and our allies South Korea and Japan...check! Make the threat, multiple times, that U.S. troops will soon leave Asia...check! No more U.S.-South Korea “provocative” (Donald’s words) military exercises...check!

So, the summit in a nutshell: China got a windfall, the United States got humiliated, and Kim Jong-un got a zillion pictures of himself shaking hands with the leader of the free world. Great. Just great.

I don't suppose Trump got the memo that the summit was a joke because on his trip home he tweeted: "There is no longer a Nuclear Threat from North Korea." Which was a completely delusional statement.

The very day of the June 2018 summit, a report from The Institute for Science and International Security confirmed that "major gaps exist in the knowledge of North Korea's centrifuge program. In particular, estimates of the amount of enriched uranium produced by this program are highly uncertain. Summarized Institute estimates are that through 2017, North Korea made between about 250 and 1000 kilograms of weapon-grade uranium and an undetermined amount of enriched uranium at enrichment levels below weapon-grade, namely less than 90 percent enriched."

One month later, the United Nation's International Atomic Energy Agency (IAEA) reported, "The continuation and further development of the Democratic People's Republic of Korea's (DPRK) nuclear program and related statements by the DPRK are a cause for grave concern. The DPRK's nuclear activities, including those in relation to the Yongbyon Experimental Nuclear Power Plant reactor, the use of the building which houses the reported centrifuge enrichment facility and the construction at the LWR, as well as the DPRK's sixth nuclear test, are clear violations of relevant UN Security Council resolutions and are deeply regrettable."

"The Director General continues to call upon the DPRK to comply fully with its obligations under relevant UN Security Council resolutions, to cooperate promptly with the Agency in the full and effective implementation of its NPT Safeguards Agreement and to resolve all outstanding issues, including those that have arisen during the absence of Agency inspectors from the DPRK. The Agency is enhancing its readiness to play an essential role in verifying the DPRK's nuclear program."

In July 2019, a full year after the initial summit, *The Wall Street Journal* reported that:

“Shipping containers, trucks and crowds of people moving materials and instruments at North Korea’s key weapons facilities like the Yongbyon Nuclear Scientific Research Center and the Sanum-dong missile production site, suggest North Korea has continued producing fissile material and intercontinental ballistic missiles, according to analysts Jenny Town, a fellow at the Stimson Center, a think tank specialized on security issues, and Jeffrey Lewis, a researcher at the James Martin Center for Nonproliferation Studies, a research center analyzing the spread of weapons of mass destruction. Siegfried Hecker, a Stanford University nuclear scientist who has visited North Korea’s nuclear facilities, has estimated that North Korea might be capable of producing six or seven nuclear bombs a year. In total, Pyongyang could currently possess between 20 and 60 nuclear bombs, according to estimates by various security analysts.”

Unsurprising, North Korea’s nuclear weapons program is more of a threat to world peace than ever before.

After the June 2018 debacle, a second summit in February 2019 ended early with no deal and, that June, Donald Trump swung by North Korea on his way home from the Group of 20 summit in Japan and stepped across the demilitarized zone between North and South Korea, becoming the first sitting U.S. president to step foot in North Korea.

Oh! And did I mention that North Korea has repeatedly fired short-range ballistic missiles and rockets, conducted two ground tests at one of its nuclear test sites, and has increased production of long-range missiles and the fissile material used in nuclear weapons? Yep, that’s all happened too.

In May 2020, Kim Jong-un made it clear to his top military officials that he was evoking “new policies for further increasing” North Korea’s nuclear capabilities. North Korea’s official Central News Agency reported that the meeting “set forth new policies for further increasing the nuclear war deterrence of the country and putting the strategic armed forces on a high alert operation...Taken at the meeting were crucial measures for

considerably increasing the firepower strike ability of the artillery pieces of the Korean People’s Army.”

The following month, Kim Jong-un literally blew up (like, with explosives) the inter-Korean joint liaison office, an effort spearheaded by President Moon Jae-in to help thaw tensions and increase diplomacy between the North and South Koreans.

By October 2020, Kim Jong-un was presiding over a huge military parade, thrown to celebrate his party’s 75th anniversary and to introduce North Korea’s new humongous intercontinental ballistic missile (ICBM). A missile that military experts say, if truly operational, is one of the largest road-mobile ICBMs in the entire world.

Fast-forward to January 2021, when Kim Jong-un again declared that he was advancing North Korea’s capabilities, including land- and submarine-launched intercontinental ballistic missiles. He also made it clear where North Korea stands with the United States: “Our external political activities must focus on controlling and subjugating the United States, our archenemy and the biggest stumbling block to the development of our revolution.” In early January 2022, North Korea launched yet another ballistic missile, this time off its east coast.

The 2022 *Annual Threat Assessment of the U.S. Intelligence Community*, released February 2022, has this to say about the situation:

Regarding North Korea’s Regional and Global Objectives and Activities: “North Korean leader Kim Jong Un will continue efforts to steadily expand and enhance Pyongyang’s nuclear and conventional capabilities targeting the United States and its allies, periodically using aggressive and potentially destabilizing actions to reshape the regional security environment in his favor. These actions will include developing and demonstrating capabilities up to and possibly including the resumption of nuclear weapons and ICBM testing.”

† We assess that Kim views nuclear weapons and ICBMs as the ultimate guarantor of his totalitarian and autocratic rule of North Korea and believes that over time he will gain international acceptance as a nuclear power. He probably

does not view the current level of pressure on his regime, the economic hardships resulting from sanctions and his domestic COVID-19 countermeasures as enough to require a fundamental change in approach.

- † Kim also aims to achieve prestige as a nuclear power as well as strategic dominance over South Korea. Kim probably will continue to try to undermine the U.S.–South Korea alliance by vacillating between periods of escalatory behavior and symbolic gestures toward the South to exploit differences between Washington’s and Seoul’s approach to solving the Korea problem.
- † We assess that North Korea continues to engage in illicit activities, including cyber theft and the export of UN-proscribed commodities to fund regime priorities, including Kim’s WMD program.

Regarding North Korea’s Military Capabilities: “North Korea will pose a serious threat to the United States and its allies by continuing to invest in niche capabilities that will provide Kim with a range of options to deter outside intervention, offset enduring deficiencies in the country’s conventional forces, and coercively advance his political objectives.

Kim is continuing to prioritize efforts to build an increasingly capable missile force designed to evade U.S. and regional missile defenses. Kim probably will continue to order missile tests – including of short-range ballistic missiles (SRBMs), cruise missiles, submarine-launched ballistic missiles (SLBMs), and HGVs – to validate technical objectives, reinforce deterrence, and normalize Pyongyang’s missile testing.”

- † In early 2021, in a public report to the Eighth Party Congress, Kim identified priorities for developing new weapon systems, such as a nuclear-powered submarine,

hypersonic glide vehicles, long-range solid-propellant missiles, and multiple independently targetable reentry vehicles (MIRV). Although some of these capabilities are longer-term projects, we assess that they represent Kim's commitment to expanding and diversifying his arsenal over time.

- † In September 2021, North Korea claimed for the first time to have tested an HGV that probably would be capable of reaching regional targets. North Korea followed with two more claimed hypersonic missile flight tests in January 2022, demonstrating its commitment to continued development of hypersonic weapons.

Regarding North Korea's WMD: "Kim remains strongly committed to expanding the country's nuclear weapons arsenal and continuing ballistic missile research and development. North Korea's continued development of ICBMs, IRBMs, and SLBMs demonstrates its intention to bolster its nuclear delivery capability.

In January, North Korea began laying the groundwork for an increase in tensions that could include ICBM or possibly a nuclear test this year – actions that Pyongyang has not taken since 2017. Flight tests are part of North Korea's effort to expand the number and type of missile systems capable of delivering nuclear warheads to the entire United States.

North Korea's chemical and biological weapons (CBW) capabilities remain a threat, and the IC is concerned that Pyongyang may use such weapons during a conflict or in an unconventional or clandestine attack."

- † Fissile material production continues in North Korea, which maintains its plutonium program and probably is expanding its uranium enrichment program.

† North Korea continues to seek a sea-based nuclear-strike capability. In October 2021, North Korea flight tested a new SLBM.

PAKISTAN

With friends like these, who needs enemies? Two decades after 9/11, the United States continues to have an untrusting, unstable and unreliable relationship with Pakistan.

Although it initially appeared that Pakistan was on board with President George W. Bush's War on Terror – helping us capture several senior al-Qaeda leaders and a slew of lower-level operatives – we now know that those who were not captured continued to use Pakistan as a safe-haven to reorganize and plot future attacks, often against U.S. interests. This included Osama bin Laden, the biggest slap in the face of all.

We have been fighting against an insurgency in Afghanistan for almost two decades, only to have Pakistan provide them sanctuary and support. We have been hunting Afghan Taliban, al-Qaeda, and Haqqani leaders, only to have Pakistan provide them safe harbor. They have undermined our efforts in Afghanistan from the very beginning but, because they control the supply line from Karachi to Kabul, they believe themselves to be untouchable.

Although Pakistan pretends to be a democracy, it's really one in name only. The Pakistani military is clearly in charge, and they alienate the civilian government, disagree with Washington's strategy on how to fight militants, continue to build their nuclear arsenal, and seem to care only about escalating Pakistan's vendetta with India.

It is absolutely ridiculous that we continue to put up with this. It is clear that billions and billions of dollars don't buy loyalty, at least not in Islamabad. Pakistan has played both sides from the beginning. They want our protection and money today, but also want to ensure their

influence in Afghanistan after we're gone – which is probably the reason they have been increasingly kissing up to China.

It's time to face the fact that Pakistan and the United States do not share the same strategic interests. In fact, in many ways our interests are diametrically opposed.

For one, they are in a tight spot because they have a location problem that we don't have. One has to look no further than post-9/11, when Pakistan renounced ties with the Tehrik-i-Taliban, the Pakistani Taliban. As a result, Tehrik-i-Taliban unleashed a full-fledged attack on the country, leaving thousands of Pakistanis dead.

Pakistan is also trying to figure out how to navigate the 21st century – decisions that range from how to modernize the country to what role they should play in the region.

This is not easy, to say the least. On November 3, 2022, former Pakistani Prime Minister Imran Khan narrowly escaped an assassination attempt. He is the third former prime minister to experience such an attack (Liaquat Ali Khan, was shot in 1951 and Benazir Bhutto was killed by a suicide bomber in 2007). The anger and confusion around the attack on Khan has already divided a country that was on the brink anyway.

I really do recognize and sympathize with Pakistan's unique position, but their identity crisis is not our problem. It's time we get serious with them and, until they at the very least stop sabotaging us, abandon the delusion that we are allies.

It is my belief that Pakistan will come around but, until then, we need to: significantly reduce military assistance, if not stop it completely; seek international punishment for individuals within Pakistan who harbor or help terrorists; and encourage open dialogue between India and Pakistan (read about Kashmir in the *India* section).

PHILIPPINES

The Philippines supposedly transitioned from authoritarian rule in 1986, but the shift remains tenuous. Freedom House – a U.S. government-funded nonprofit organization that conducts research and advocacy on democracy, political freedom, and human rights – classifies the Philippines as “partly free,” saying “the rule of law and application of justice are haphazard and heavily favor political and economic elites.”

Human rights abuses are escalating quickly. For example, the United Nations released a damning report in June 2020 that documented tens of thousands of killings during President Rodrigo Duterte’s “war on drugs.” The report said that police acted with “near impunity” during the campaign against illegal drugs, which led to a significant suppression of dissent, arbitrary arrests, and extrajudicial killings.

In fact, Human Rights Watch – an international non-governmental organization, that conducts research and advocacy on human rights – reports that thousands of people, including children, were killed by “death squads” during Duterte’s “war.”

To fan the flames, Duterte himself repeatedly called for violence, at one point saying, “If you know of any addicts, go ahead and kill them yourself as getting their parents to do it would be too painful.” That’s pretty hard core.

Meanwhile, the Covid-19 crisis provided Duterte a perfect excuse to significantly expand his powers and severely further curtail the rights and freedoms of Filipinos.

To that end, President Duterte introduced, and his Duterte-friendly legislature passed, an “anti-terrorism” bill that eliminated the need for legal warrants, increased surveillance on citizens, and significantly increased the power of government security forces.

We need to watch this closely. The United States should, at a minimum, support the United Nations’ call for an “independent, impartial, credible investigation into all allegations of serious violations of human rights and international humanitarian law.”

RUSSIA

The Russia “Hoax”	Part One, Chapter Three
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SAUDI ARABIA

On October 2, 2018, Jamal Khashoggi, a Saudi Washington Post contributing columnist who was a legal permanent resident of Virginia, was murdered in cold blood in the Saudi Arabia Consulate in Istanbul, Turkey.

Actually, he was murdered, then dismembered and put into trash bags – all because he dared to suggest that free speech and women’s rights were good things and questioned why outspoken, but peaceful, activists were being thrown in Saudi jails.

According to an exhaustive report by the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, “It is the conclusion of the Special Rapporteur that Mr. Khashoggi has been the victim of a deliberate, premeditated execution, an extrajudicial killing for which the state of Saudi Arabia is responsible under international human rights law. In addition, the execution of Mr. Khashoggi demands that those responsible be identified and held to account for their role in the execution of Mr. Khashoggi.”

Immediately, Crown Prince Mohammed bin Salman of Saudi Arabia denied having any knowledge of the incident, which is absurd on its face. In December 2019, it was announced by the Saudi prosecutor that five people had been sentenced to death – and three others sentenced to jail – for the murder of Jamal. The eight men were not named, naturally. Interestingly enough, the Saudi prosecutor also announced that, although his office had investigated two top advisers to Saudi Crown Prince Mohammed bin Salman (MBS), they had been cleared due to “insufficient evidence.”

Without question, this Saudi “investigation” and “prosecution” was a complete sham, or as United Nations investigator Agnes Callamard put it, a “parody of justice.”

Making the entire episode even more chilling, Donald Trump’s White House released a statement calling the Saudi prosecutor’s verdict “an important step in holding those responsible for this terrible crime accountable.” Give me a freak’n break.

Finally, on February 11, 2021, the United States Office of the Director of National Intelligence (DNI) released a report confirming that Crown Prince Mohammed bin Salman did indeed approve the assassination of Jamal Khashoggi, a murder that was carried out by an elite team of operatives that reported directly to the prince.

It is unacceptable that Mohammed bin Salman has not been held accountable for Jamal Khashoggi’s murder. As outrageous as it may be, it’s certainly no surprise. When it came to holding Saudi Arabia accountable for anything during the Trump presidency – including the incessant bombing against the Houthi rebels in Yemen, which has turned into the largest humanitarian crisis in the entire world – Donald Trump simply refused.

But he isn't the only one. President Biden also declined to act in any meaningful way. After the release of the February 2021 DNI report, Biden decided against condemning Mohammed bin Salman directly, opting instead to sanction other Saudis who were supposedly involved, including Saudi Arabia's former intelligence chief and members of the elite strike force that the prince ordered to murder Jamal. Then, in July 2022, Biden went to Saudi Arabia and fist-bumped MBS, with a big smile on his face.

In the very beginning, the U.S. State Department did announce something called the "Khashoggi Ban" – which "restricted" and "revoked" American visas to foreign officials who harass and/or endanger journalists, dissidents, and activists abroad. But then in November 2022, the Biden administration gave Mohammed bin Salman immunity in a wrongful death court case brought by Jamal Khashoggi's fiancée.

At least some members of Congress tried to do the right thing. Not long after Jamal's murder, twenty-two U.S. senators triggered a provision of the Global Magnitsky Human Rights Accountability Act demanding that the Trump administration determine who was responsible for the murder and state whether the administration would apply sanctions in response. Although the White House was required by law to comply with the demand, it was completely ignored.

Another congressional attempt came when bipartisan members of Congress made a similar request in the National Defense Authorization Act later that year. The Trump Administration ignored that one as well.

Throughout his entire presidency, Donald Trump shielded Mohammed bin Salman from any consequence for his actions. Donald even bragged, on tape, to reporter Bob Woodward that "I saved his ass. I was able to get Congress to leave him alone. I was able to get them to stop." He also mentioned to Mr. Woodward that Saudi Arabia spends billions of dollars on American weapons, which I guess in his mind justifies murderous behavior.

This, while Crown Prince Mohammed bin Salman does one despicable thing after another, including kidnapping Lebanon's prime minister, with zero repercussions. He tried to kill a former Saudi intelligence officer who was living in exile in Canada, then kidnapped the man's family members who still lived in the Kingdom; he has detained,

without formal charges, women's rights activists, princes and businessmen; and set blockades at Yemen's ports to deny the people of Yemen any humanitarian aid – while he is bombing them during a severe famine and widespread cholera outbreak.

This has quickly turned into the largest humanitarian crisis in the entire world. Human Rights Watch reports that “roughly 80 percent of Yemen's population requires humanitarian aid, including over 12 million children. The United Nations Children's Emergency Fund (UNICEF) warns that the number of children under the age of 5 who suffer from acute malnutrition could rise to 2.4 million. The International Committee of the Red Cross (ICRC) reports that 50 percent of Yemeni children are experiencing irreversible stunted growth. UNICEF warns that 7.8 million children had no access to education following Covid-19-related school closures and nearly 10 million did not have adequate access to water and sanitation.”

The devastation Saudi Arabia – together with the United Arab Emirates and others in the region – has caused in Yemen **since 2015** is criminal and a clear violation of international law, plain and simple.

Many of the weapons used in the war have been provided by the United States. A report called Day of Judgement revealed that “in 2017, the U.S. administration notified Congress of \$17.9 billion of proposed sales of arms and other military support to Saudi Arabia and \$2.8 billion to the UAE. In 2016, about \$5 billion of sales to each country were proposed.”

To his credit, President Obama halted the sale of precision-guided military technology to Saudi Arabia in December 2016, but, of course, Donald Trump resumed selling weapons to them just three months later.

In April 2019, Donald Trump vetoed legislation supported by a bipartisan congressional majority to end American support for Saudi Arabia's deadly intervention in Yemen.

The very next month, the Trump administration announced that it was invoking “emergency authority” to bypass Congressional opposition and finalize twenty-two arms deals with several countries, including one with Saudi Arabia and the United Arab Emirates that totaled around \$8 billion. Never mind this move was 100% illegal

because under the *Arms Export Control Act*, the U.S. Congress has the authority to review weapons sales.

One of the most horrifying travesties in the conflict in Yemen took place in August 2018, when a Saudi-led airstrike hit a school bus killing at least 43 people, many of them children. The bomb that hit the bus was reportedly a 500-pound laser-guided MK 82 bomb made by U.S. defense contractor Lockheed Martin and sold to Saudi Arabia by the United States.

One eyewitness told CNN: “I saw the bomb hit the bus. It blew it into those shops and threw the bodies clear to the other side of those buildings. We found bodies scattered everywhere, there was a severed head inside the bomb crater. When we found that, that was when I started running. I was so afraid.”

A similar bomb, also provided by America, was used in October 2016 to decimate a funeral hall filled with 155 people. Amid international condemnation, Saudi officials called the strike “a mistake.” That’s some mistake. Plus, earlier that year, an American-sold MK 84 bomb killed 97 people in a market.

The fact that the United States provided logistical and intelligence support for this atrocity in any way is one of the most disgraceful things this country has ever done.

Amnesty International reports:

“All parties to the conflict in Yemen continued to commit violations of international humanitarian law and human rights abuses with impunity. The Saudi Arabia-led coalition, supporting the internationally recognized Yemeni government, and Huthi forces continued to carry out attacks that unlawfully killed and injured civilians and destroyed civilian objects. All parties to the conflict carried out arbitrary detentions, enforced disappearances, harassment, torture and other ill-treatment, and unfair trials of individuals, targeted solely for their political, religious or professional affiliations, or for their peaceful activism. The parties to the conflict impeded the flow of life-saving goods,

including food, medicine and fuel, and Huthi forces continued to impose arbitrary restrictions on humanitarian aid agencies.”

Our own State Department reports:

“Significant human rights issues included: unlawful or arbitrary killings by all parties; forced disappearances by all parties; torture and cases of cruel, inhuman, or degrading treatment or punishment by the ROYG, Houthis, and Emiratis; harsh and life-threatening prison conditions; arbitrary arrest and detention; political prisoners; serious problems with the independence of the judiciary; arbitrary infringements on privacy rights; serious abuses in an internal conflict, including unlawful recruitment or use of child soldiers, primarily by the Houthis; serious restrictions on free expression, the press, and the internet, including violence, threats of violence, or unjustified arrests or prosecutions against journalists, censorship, site blocking, and the existence of criminal libel and slander laws; substantial interference with freedom of assembly and association; serious restrictions on freedom of movement; pervasive abuse of migrants; the inability of citizens to choose their government through free and fair elections; serious acts of corruption; lack of investigation of and accountability for violence against women; criminalization of consensual same-sex sexual conduct between adults; and the worst forms of child labor.’

United States capitulation to Saudi Arabia must stop, like yesterday. In early February 2021, President Biden ended all remaining American support for the travesty in Yemen and appointed a new special envoy for the country.

Now, two things need to happen immediately:

First, we must help alleviate the suffering of the Yemeni people and demand that the United Nations do a much better job brokering peace negotiations, and implementing the subsequent agreements, with the

Iranian-backed Houthi movement (Ansar Allah), the Saudi Arabian-backed government of President Abdrabbuh Mansur Hadi, and the UAE-backed Southern Transitional Government (STC).

This is incredibly important because this ongoing conflict has emboldened the faction al-Qaeda in the Arabian Peninsula (AQAP) and weakened U.S. counterterrorism efforts. Yemen has become a safe-haven for terrorists to regroup and plot against the United States – essentially under our protection.

Second, we must hold Saudi Arabia AND Crown Prince Mohammed bin Salman accountable for, at the very least, the murder of Jamal Khashoggi, the torturous treatment of Loujain al-Hathloul and other women's rights advocates, and the war crimes Saudi Arabia has committed in Yemen.

< Thankfully, after 1,001 days in prison, Saudi Arabia released Loujain al-Hathloul, a prominent women's rights advocate. While living in exile in the United Arab Emirates, Hathloul was tracked down and forcibly returned to Saudi Arabia. There, by her own account, she was sexually abused and tortured, with both electric shocks and waterboarding. She was told she could go free if she would say, on video, that she had not been tortured – an offer she refused. >

The United States should immediately place a freeze on Mohammed bin Salman's assets as well as suspend military sales to Saudi Arabia. For a minute it looked like the Biden administration was going to at least use Yemen as a litmus test when selling arms to Saudi Arabia but, of course, they then turned around and approved a \$5 billion+ arms sale to them.

Crown Prince Mohammed bin Salman is only 37 years old. If we don't bring the thunder now this b.s. will continue for decades.

SOUTH KOREA

South Korea is another clear example of Donald Trump' irresponsible and disrespectful behavior toward our allies.

Take his trade war, for example. Early in his administration, Donald Trump's tariffs quickly affected over 50 percent of Chinese imports, but that was not the worst of it. At the same time, tariffs affected 9.6 percent of imports from South Korea, 7.3 percent from Canada, 3.8 percent from Japan, and 2.5 percent from the European Union – ALL OF THEM OUR ALLIES! This is just not cool.

I imagine South Korea has just been completely baffled by the last four years. To our close friend – who has a lot to lose in the face of an empowered North Korea – Donald Trump's bromance with Kim Jong- un, along with his constant griping about overseas American deployments, must have been downright chilling.

Worse, often he conflated economic issues with military protections, seemingly threatening one against the other. For example, in November 2019, the Trump administration demanded that South Korea increase what they pay for the 28,500 U.S. troops stationed there, from \$923 million/year to \$5 billion/year.

I cannot overstate how short-sighted and irresponsible these actions were. As China's military ambitions increase and North Korea essentially shoots us the bird, we need our allies now more than ever.

The only thing these aggressive actions achieve is to push South Korea straight into the arms of China – a move that would not serve America well in the long-term, to say the least.

Plus, as I said earlier, we need American leadership to ensure that our allies themselves get along. Historical grievances between South Korea and Japan are reaching critical mass, with grave global economic and security consequences.

What started as a question about what, if anything, Japan owes South Korea for Japan's colonial occupation of the Korean Peninsula until Japan's surrender in World War II has expanded to disputes over territory and geopolitical squabbles.

To maintain rules-based international order in the Indo-Pacific, it is critical that the United States help bridge the gap between our two allies and encourage trilateral cooperation between the United States, Japan and the Republic of Korea (ROK).

TAIWAN

For years, China has used significant pressure to force Taiwan to accept China's *One China* vision, which essentially gives China complete control of Taiwan, a democratic nation off the coast of China. Plus, China has persuaded many diplomatic partners to not recognize Taiwan at all. As a result, only 11 countries officially recognize the island.

The 2024 *Annual Threat Assessment of the U.S. Intelligence Community*, released February 2024, predicts:

“The PRC combines its economic heft with its growing military power and its diplomatic and technological dominance for a coordinated approach to strengthen CCP rule, secure what it views as its sovereign territory and regional preeminence, and pursue global power. In particular, Beijing uses these whole-of- government tools to compel others to acquiesce to its preferences, including its assertions of sovereignty over Taiwan.”

† In 2024, following Taiwan's presidential and legislative election, Beijing will continue to apply military and economic pressure as well as public messaging and influence activities while promoting long-term cross-Strait economic and social integration to induce Taiwan to move toward unification.

Taiwan is a significant potential flashpoint for confrontation between the PRC and the United States as Beijing claims that the United States is using Taiwan to undermine China's rise. Beijing will use even stronger measures to push back against perceived increases in U.S. support to Taiwan.”

Although the 1979 U.S.-P.R.C. Joint Communiqué officially changed U.S. diplomatic recognition from Taipei to Beijing – meaning the United States recognizes the Government of the People’s Republic of China as the sole legal government of China and considers Taiwan a part of China – the United States has always had a great unofficial relationship with Taiwan.

Further, the 1979 *Taiwan Relations Act*, obligates the United States to assist Taiwan in maintaining its defensive capability, demands peaceful resolutions between Beijing and Taipei, and forbids unilateral changes to the status quo by either side.

Taiwan is one of our most trusted Pacific alliances, plus they make things we need...like semiconductors, for example. Already a leading manufacturer of computer chips, Taiwan will undoubtedly continue to be at the forefront of the race for global technological domination – a contest that will be primarily between China and the United States.

Regardless of how China reacts to the relationship, the United States must remain committed to Taiwan and protect the island with every tool at our disposal.

TIBET

For centuries, Tibet and China stood side-by-side in harmony. That all changed in 1950 when, in the Battle of Chamdo, the People’s Republic of China invaded and seized control of Tibet in what Beijing calls a “peaceful liberation,” but what the Tibetan spiritual leader the Dalai Lama calls “cultural genocide.”

The land of Tibet not only offered the Chinese an abundance of natural resources, but also a coveted border with India – which the Chinese immediately militarized.

At first, there was an uneasy truce, with Tibet acknowledging Chinese rule in exchange for an independent political system and the protection of Tibetan Buddhism.

Unfortunately, China did not honor the agreement and probably never intended to. Beginning in 1956, the Chinese were met with increasing resistance from the Tibetans until March 10, 1959 – now commemorated as National Uprising Day by the Tibetans – when the Tibetan people surrounded the Potala Palace in Lhasa to protect the Dalai Lama from rumored harm. The Chinese answered with a ruthless retaliation, forcing the Dalai Lama to flee into exile in Dharamsala, India.

For years, the United States government has treated the Central Tibetan Administration – which is the Tibetan government that is in exile – with a certain lack of respect, for no other reason than to walk on eggshells for China’s benefit.

For example, the Obama administration informed the Dalai Lama that he would be unable to visit the White House in President Obama’s first year. When His Holiness was finally invited, President Obama met him in the Map Room of the White House instead of the Oval Office, presumably to pacify Beijing.

What is this, eighth grade? I’ve already acknowledged our relationship with China is delicate – and I certainly understand the issue of Tibet is a major sticking point – but not standing up for Tibet is just not right.

The United States’ willingness to tiptoe around this issue only emboldened China to escalate human rights abuses against the Tibetan people and try, once and for all, to completely destroy their culture, language and religion.

China has now built military-style “training centers” in Tibet, mandating that hundreds of thousands of people be trained for what will ultimately be forced labor. These camps also engage in forced assimilation and ideological indoctrination. The Chinese Communist Party (CCP) officials were given strict quotas for the number of Tibetans they were expected to capture.

After reviewing Chinese documents about the program, the Jamestown Foundation – an institute for research and analysis – describes the situation this way: Reports “bluntly say that the state must ‘stop raising up lazy people’ and that the ‘strict military-style management’ of the vocational training process ‘strengthens [the Tibetans’] weak work discipline’ and reforms their ‘backward thinking.’”

“Tibetans are to be transformed from ‘[being] unwilling to move’ to becoming willing to participate, a process that requires ‘diluting the negative influence of religion.’ This is aided by a worrisome new scheme that ‘encourages’ Tibetans to hand over their land and herds to government-run cooperatives, turning them into wage laborers.”

These camps are similar to those in Xinjiang, another ethnic minority region of China, where the Chinese have detained over one million Muslim ethnic minorities – including Uyghurs and Kazakhs, both Turkish ethnic groups. Around 500,000 children have been separated from their families.

In a very troubling statement, the Chinese said that what many activists call mass detention centers were, in fact, nothing more than vocational and education centers, and that most everyone had “graduated.” Hmmm.... I don’t like the sound of that.

Thankfully, the U.S. Congress has passed the *Tibetan Policy and Support Act*. The legislation supports the idea that Tibetan Buddhists, not the Communist Party of China (CPC), should be able to choose the 15th incarnation of the Dalai Lama after the current Dalai Lama passes on. It’s pretty unbelievable, and incredibly insulting, that the CPC would even threaten to name the next Dalai Lama.

Further, the legislation updates the *Tibetan Policy Act of 2002* to reflect support of the Dalai Lama’s Middle Way Approach and the idea that Beijing and the Central Tibetan Administration should negotiate directly with one another. The Middle Way Approach says that Tibetans are not seeking independence, but rather autonomy within the framework of the People’s Republic of China. This is a perfectly reasonable solution.

Finally, the legislation calls on the American government to sanction any CCP official who violates another’s human rights in Tibet and for the establishment of a U.S. consulate in Lhasa, the administrative capital of Tibet.

UKRAINE

On February 24, 2022, Russia brutally invaded Ukraine with zero right or justification. Since that time, Ukraine has fought its aggressor – a nuclear power ten times its economic size – with unimageable bravery and remarkable tenacity. After two years of fighting, Ukraine still miraculously controls 80 percent of its territory.

However, well into the slog of war, neither Russia or Ukraine appears to be conceding even a little and traditional victory for either side seems far-fetched. Russia has already lost hundreds of thousands of soldiers and Ukraine is suffering from internal division and a lack of supplies and weapons due to the reluctance of many in the U.S. Congress to continue unconditional funding. In the end, this conflict will likely end with some sort of negotiation between the two.

That said, until that happens, the United States cannot allow Vladimir Putin to get away with these unspeakable atrocities. It's true that the United States has a vital national security interest in Putin's illegal invasion because we benefit greatly from a peaceful and secure Europe; we value international commerce; and we have a deep commitment to protecting democracy around the world. However, equally important is the fact that other countries are closely watching how this unfolds. Chinese President Xi Jinping, for one, is most certainly interested in how America responds to Russia illegally taking territory by force as he determines the risk versus reward of invading Taiwan.

The United States must fully support Ukraine – along with Georgia, the Baltic states and other former “republics” of the Soviet Union who have chosen to seek a free and democratic future – economically, diplomatically, and by providing weapons and sharing our intelligence. At the same time, we need to make sure our European allies continue to share the burden, and help Ukraine develop its own arms industry to reduce its dependence on outside forces.

UNITED ARAB EMIRATES

The de facto ruler of the United Arab Emirates (UAE), Crown Prince Mohammed bin Zayed, is one of the most influential Arab leaders in the world.

He controls sovereign wealth funds worth \$1.3 trillion and his military – trained by retired American military officers – is one of the most capable of any Arab state (he also hired former American spies to build his intelligence agency). The UAE has fought beside the United States in Afghanistan, Iraq, Kosovo, Libya, Somalia, and against the Islamic State.

Although the crown prince has little tolerance for political dissention and throws peaceful activists in prison (where they are allegedly tortured), he has women in his cabinet and is religiously tolerant, even allowing Christians, Hindus and Sikhs to openly worship.

Every year, Mohammed bin Zayed showers millions upon millions of dollars upon the United States, hiring our consultants, courting lobbyists, and contributing handsomely to various charities and research institutions. Given this, you would think at least some American ideals would rub off on him, but most do not. He prefers autocratic leaders, actively fights against democracy in the Middle East (most notably in Egypt) and sells arms to embargoed countries against the will of the United Nations.

He is close with Prince Mohammed bin Salman of Saudi Arabia, his partner in the military intervention in Yemen, and the United States is often caught in the middle of the rift between him and his main regional rival Qatar, an American ally that has a U.S. air base.

It's time we reevaluate our relationship with the UAE. For one, American military equipment sold to Abu Dhabi somehow made it to the weapons cache of Libyan rebel forces and its leader Gen. Khalifa Hifter, to aid in their fight to overthrow the U.S.-supported government in Tripoli. These weapons have also reached al-Qaeda fighters in Yemen and the military junta fighting against democracy in Sudan.

These actions by the UAE not only violate sales agreements with the United States, but they also breach United Nations arms embargos. Also, Mohammed bin Zayed has increasingly been cozying up to Russia and

Iran, which should make us question where, when push comes to shove, his loyalty would ultimately land.

VENEZUELA

Once Latin America's wealthiest country and longest-running democracy – plus, the owner of the world's largest proven oil reserves – Venezuela is now in deep, deep trouble.

Thanks to corruption, cronyism, dreadful policies, and significant economic mismanagement by the president of Venezuela Nicolás Maduro and his predecessor Hugo Chávez, Venezuela is now a failed state.

Falling oil production, decrepit infrastructure (think sporadic water, electricity, and cellphone coverage), failing banking systems, hyperinflation, and U.S. sanctions have intensified the crisis, causing an estimated five million Venezuelans to flee their country.

From a humanitarian perspective, the Maduro regime has violated human rights on a colossal scale, leaving hundreds of anti-Maduro peaceful protestors dead. Living standards and the health care system have collapsed, medicine is scarce, infant mortality is high, malnutrition is rampant, and diseases like measles, diphtheria, malaria and tuberculosis are resurgent.

Although Cuba, China, Russia and Turkey remain hard-core Maduro defenders, the United States and over fifty other governments tried hard to remove Maduro from office by recognizing a young opposition leader, Juan Guaidó, as the legitimate interim president of Venezuela – an effort that included a surprise appearance by Guaidó at Donald Trump's 2020 State of the Union address. However, the Venezuelan police, military, and courts all continued to recognize Maduro as the country's rightful leader, which undermined the opposition effort.

Once energized and active, it now appears the opposition movement has fallen apart, hastened by the defection of high-profile opposition leaders like Henrique Capriles, a two-time presidential candidate “defeated” by Maduro under suspicious circumstances. After Maduro

agreed to drop all charges against 110 imprisoned opposition politicians, Capriles turned on Juan Guaidó and accused him of “role-playing at being president on the Internet.”

The Trump administration tried other tactics to remove Maduro. For example, the U.S. Department of Justice indicted Maduro and fourteen other senior Venezuelan officials on charges of narco-terrorism, corruption, drug trafficking and other criminal charges, saying that “Maduro and other high ranking Venezuelan officials allegedly partnered with the Fuerzas Armadas Revolucionarias de Colombia (FARC) to use cocaine as a weapon to ‘flood’ the United States.”

For now, Maduro is here to stay for a while because, despite the fact that his authoritarian regime agreed to allow international observers from the European Union to oversee future elections, rigged elections in Venezuela will surely continue.

It is critical that the international community join together and help these people. Ninety-six percent of Venezuelans live under the poverty line, and U.S. sanctions have helped to devastate their lives.

Obviously, we can’t give money directly to the corrupt Venezuelan government, but we can continue our financial support of the United Nations Humanitarian Response Plan, which is severely underfunded.

Additionally, the United States and our allies should lead the charge to bring human rights abusers within the Maduro regime before the International Criminal Court for committing crimes against humanity.

I'll meet you at www.1787forAmerica.org.

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